

## CITY PLANNING COMMISSION AGENDA

**STAFF: MEGGAN HERINGTON**  
**STAFF: STEVE ROSSOLL**

**FILE NO:**  
**CPC CA 18-00062 – LEGISLATIVE**

### **PROJECT: SINGLE FAMILY AND DUPLEX HILLSIDE GRADING PLAN EXEMPTION**

AN ORDINANCE AMENDING SECTION 1503 (GRADING PLANS) OF PART 15 (GRADING PLANS AND EROSION AND STORMWATER QUALITY CONTROL PLANS) OF ARTICLE 7 (SUBDIVISION REGULATIONS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO GRADING PLANS FOR SINGLE FAMILY AND DUPLEX DEVELOPMENT IN THE HILLSIDE OVERLAY ZONE

### **APPLICANT: CITY OF COLORADO SPRINGS – WATER RESOURCES ENGINEERING**

#### **PROJECT SUMMARY:**

Code Change Description: This amendment proposes to update Section 1503 (Grading Plans) of Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended to allow an exemption of the grading and erosion control plan requirement with submittal of a hillside site plan/lot grading plan for a single family residential structure or duplex development on a single lot.

The language to be added to the existing code section states: *When a hillside site/lot grading plan is submitted pursuant to section 7.3.504 of this chapter as part of a single family or duplex single lot development building permit application, a grading plan pursuant to this section shall not be required.*

The proposed language to be added to City Code Section 7.7.1503 is outlined in the attached **FIGURE 1** which is the entire section of code with proposed language in bold and underlined. The formal ordinance for adoption by City Council is attached as **FIGURE 2**.

Planning & Development Department's Recommendation: Staff recommends approval of the proposed ordinance.

#### **BACKGROUND**

City Code Chapter 7, Article 7, Part 1503.E (7.7.1503.E) has long been interpreted in conjunction with the Hillside criteria in Chapter 7, Article 3, Part 504 (7.3.504). As such, the broad language in Section 7.7.1503E stating that a grading plan is required for "Any grading or other disturbance of land in an area zoned hillside area overlay zone..." was superseded by the requirements of the hillside site plan/lot grading plan defined in Section 7.3.504.H. The hillside site plan requirement to include grading and drainage was thought to be an acceptable document to meet the intent of Chapter 7, Article 7, Part 15 (Grading Plans and Erosion and

Stormwater Quality Control Plans). However, in December 2017 the opinion of City Engineering changed and the strict interpretation of 7.7.1503E was enforced. This meant that each building permit within the Hillside Overlay Zone required a hillside site plan/lot grading plan, processed through the Development Review Enterprise and City Engineering, AND a grading plan defined in 7.7.1503E processed separately through City Engineering.

It is also important to note that the grading plan defined in Section 7.7.1503E is required to be prepared by a professional engineer registered in the State of Colorado. It also requires that a narrative be prepared, erosion control measures be designed and assurances be posted. This separate additional grading p, when applied to any single family or duplex lot has created unanticipated additional workload for review and inspections staff as well as a burden to homeowners and builders alike.

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

Standard notification is not utilized for legislative code changes, as the proposed application affects all City residents and property owners. However, adequate public outreach and input was achieved principally through the City's Code Scrub Committee ("Committee"). That committee consists of representatives from the Council of Neighborhood Organizations (CONO), Housing and Building Association (HBA), Chamber and EDC as well as other local developers, builders, engineers and architects. In addition, city engineering staff shared the proposal directly with the HBA for direct input from its sub-committee members. All of the input received has been positive with all stakeholders in support of the amendment.

#### **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:**

One impetus for this recommended Code change is the broad language as it is written in 7.7.1503.E describing that the Section applies to "Any grading or other disturbance of land..." This broad language, strictly interpreted, means that a property owner planting a garden or installing a fence would need a grading plan prepared by a professional engineer registered in the State of Colorado and the plan processed for approval through City Engineering.

Prior to December 2017 this burdensome language was interpreted to be applied to development activity only; overall development plans for residential and commercial projects and neighborhood-level infrastructure. The application of the language was enforced through the development plan review and approval process and construction plan review process related to those large development projects. The language had not been enforced at the hillside site plan review and permitting process for single family and two family construction.

The Hillside building permit process requires that the proposed grading on an individual lot be shown on the lot-specific hillside site/lot grading plan. The proposed hillside site plan/lot grading plan and the grading plan prepared by a professional engineer registered in the State of Colorado are then both reviewed by City Engineering as part of the building permit process. It is redundant to require the engineer designed and stamped grading plan that must be processed through City Engineering Development Review.

The approval of this code change will align the language with the pre-December 2017 interpretation. As part of this change, single family and duplex building permits will continue to include the proposed lot grading on their hillside site plans and the proposed grading will continue to be reviewed by City Engineering. This change will eliminate the requirement to

prepare an additional grading plan that is processed separately through City Engineering Development Review.

**STAFF RECOMMENDATION:**

**CPC CA 18-00062 – GRADING PLAN EXEMPTION AMENDMENT**

Recommend adoption to City Council of an ordinance amending Section 1503 (Grading Plans) of Part 15 (Grading Plans and Erosion and Stormwater Quality Control Plans) of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended pertaining to single family and duplex grading plan exemption.