

ORDINANCE NO. 16-\_\_\_\_\_

AN ORDINANCE AMENDING PART 5 (GEOLOGICAL HAZARD STUDY AND MITIGATION) OF ARTICLE 4 (SITE DEVELOPMENT STANDARDS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO GEOLOGICAL HAZARD STUDY AND MITIGATION

WHEREAS, historic rainfall throughout the spring and summer months of 2015 and the subsequent isolated landslides highlighted the importance of proper mitigation in geological hazard portions of western Colorado Springs; and

WHEREAS, these isolated landslides continue to impact residential structures detrimentally, causing harm to life, health, property, and the public peace; and

WHEREAS, City Code § 7.2.102 sets forth that the purpose and intent of the City's Zoning Code is, in part, "to protect against flood conditions and poor geologic and topographic conditions; and in general to promote health, safety and general welfare;" and

WHEREAS, incorporated in the City's Zoning Code in 1996, the City Council adopted a "Geological Hazard Study and Mitigation" ordinance, currently codified as City Code § 7.4.501, *et seq.*; and

WHEREAS, City Code § 7.4.501 sets forth that the purpose of these Geological Hazard Study and Mitigation requirements "is to identify geologic conditions, which may pose hazards to a land development project in order that appropriate mitigation or avoidance techniques may be implemented;" and

WHEREAS, due to the continuing landslide activity in isolated parts of Colorado Springs, City staff has researched more robust approval requirements for building structures within landslide and other geologic hazard areas; and

WHEREAS, the City Council desires to adopt new processing procedures related to Geologic Hazard Study and Mitigation requirements to protect the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 502 (Applicability) of Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.502: APPLICABILITY:

A geologic hazard study shall be required in conjunction with the City's review of the following type of land development proposals unless otherwise exempted or waived:

\* \* \*

**F. Single-family and duplex building permits: A site-specific geologic hazard study is required in conjunction with a building permit for a new, reconstruction or an expansion of the building footprint of more than 50% of a single-family or duplex building. The site-specific geologic hazard study shall reference and incorporate applicable recommendations or requirements of publicly available geologic hazard studies previously prepared as part of the master plan, zone change, development plan, preliminary plat or final plat.**

**G. Public improvement construction drawings.**

Section 2. Section 504 (Preparation of Geologic Studies and Report Guidelines) of Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended is amended to read as follows:

7.4.504: PREPARATION OF GEOLOGIC STUDIES AND REPORT GUIDELINES:

Geologic hazard studies shall be prepared by, or under the direction of, a professional geologist as defined by Colorado Revised Statutes section 34-1-201(3) ~~or~~ **and** by a qualified Professional (geotechnical) Engineer licensed by the Colorado State Board of Registration for Professional Engineers and

Professional Land Surveyors **and subject to Board Policy Statement 50.2, “Engineering in Natural Hazards Areas.” Geologic hazard studies shall be signed by both the professional geologist and by the Professional (geotechnical) Engineer who prepared or certified the study.** The detailed guidelines, criteria, policies and requirements for preparation, submittal and review of a geologic hazard study are found in the City Engineering Criteria Manual/Subdivision Policy Manual.

Section 3. Section 505 (Scope of Study) of Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.505: SCOPE OF STUDY:

A. \* \* \*

1. \* \* \*

2. Analyze the potential negative impacts the geologic hazards will have upon the proposed project;~~and~~

3. Suggest mitigation techniques, which will minimize the risk posed to the development by any identified geologic hazards;

**4. Analyze potential impacts the proposed project will have on surrounding properties or public facilities related to existing geologic hazards; and**

**5. Provide recommendations to be incorporated into the proposed project which mitigate significant potential impacts to surrounding properties or public facilities.**

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Section 4. Section 506 (Review of Geologic Hazard Studies) of Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

#### 7.4.506: REVIEW OF GEOLOGIC HAZARD STUDIES:

A. Geologic Hazard Studies: Geologic hazard studies will be reviewed by staff in conjunction with the City's normal review of the land development proposal. The City's review shall determine whether the findings, conclusions and recommendations of the geological hazard study have been incorporated into the design of the development plan, subdivision plat, drainage plan, grading plan, ~~and~~ street construction documents **and other public improvement construction drawings**. If the review by the City determines that the study submitted is incomplete or fails to comply with the guidelines set forth in this section, the study may be rejected and a new or supplemental study may be required. In cases where significant geologic hazards are identified, appropriate mitigation measures shall be required in conjunction with the approval of the project. Said mitigation measures shall include, but not be limited to:

\* \* \*

C. Consultant Review/Analysis Panel: Prior to Planning Commission consideration **or final administrative decision**, an applicant may request access to the consultant review/analysis panel. Applicant's request shall be in writing and shall specify the issue(s) raised by discretionary review or staff recommendation with which the applicant disagrees. Applicant's request must be filed within ten (10) days of the date of either discretionary review or staff recommendation, whichever is later.

The panel shall consist of three (3) members who may be professional geologists or ~~geologic~~ **geotechnical** engineers, or qualified ~~geology or engineering~~ **academicians—Colorado Licensed Professional Engineers** selected by the Manager who shall conduct a thorough evaluation of the geologic hazard study or discretionary review and may conduct site visits or request additional testing. The panel's findings shall be included in staff's recommendation on the application. The Manager may establish policies and procedures for panel review. The cost of the panel shall be borne by the applicant.

**D. Recommendations of the geologic hazard study shall be incorporated, as applicable, into the approval of a master plan, concept plan, development plan, public improvement construction drawings, and building permit.**

**E. Prior to final approval by the City of a master plan, concept plan, development plan, preliminary plat, final plat or residential site plan, the final geologic hazard study and the related plan(s) shall be provided by the City to the Colorado Geologic Survey for review.**

**F. Prior to the approval of a building permit by the City, an owner or applicant shall provide to the City a verification that the requirements of the**

**geologic hazard study have been addressed. Such verification shall be prepared by a geotechnical engineer who is qualified in accord with section 7.4.504 of this part. The verification shall include the following information:**

- 1. The name of the firm that prepared the geologic hazard study, the date the geologic hazard study was issued, and the associated project number;**
- 2. A statement by the geotechnical engineer verifying an understanding of the recommendations of the geologic hazard study; and**
- 3. A statement by the geotechnical engineer acknowledging review of the civil and building plans for the project including whether the grading, drainage and foundation plans conform to the recommendations of the geologic hazard study.**

**G. Prior to issuance of a certificate of occupancy for a building or the acceptance of public improvements by the City, an owner or applicant shall provide to the City a verification that the requirements of the geologic hazard study have been addressed. Such verification shall be prepared by a geotechnical engineer who is qualified in accord with section 7.4.504 of this part. The verification shall include the following information:**

- 1. The name of the firm that prepared the geologic hazard study, the date the geologic hazard study was issued, and the associated project number;**
- 2. A statement by the geotechnical engineer verifying an understanding of the recommendations of the geologic hazard study;**
- 3. A statement by the geotechnical engineer acknowledging review of the civil and building plans for the project including whether the grading, drainage and foundation plans conform to the recommendations of the geologic hazard study;**
- 4. The geotechnical engineer's observations made during site development regarding compliance with the recommendations of the geologic hazard study; and**
- 5. A statement by the geotechnical engineer that, to his or her best knowledge, the recommendations of the geologic hazard study appear to have been implemented during construction.**

Section 5. Section 507 (Disclosure Statement) of Part 5 (Geological Hazard Study and Mitigation) of Article 4 (Site Development Standards) of

Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.507: DISCLOSURE STATEMENT:

The following disclosure statement shall be placed upon each subdivision plat and development plan, which is subject to a geologic hazard study:

*This property is subject to the findings summary and conclusions of a Geologic Hazard Report prepared by \_\_\_\_\_ dated \_\_\_\_\_, **which identified the following specific geologic hazard on the property:**\_\_\_\_\_. A copy of said report has been placed within file #\_\_\_\_\_ or within the subdivision file \_\_\_\_\_ of the City of Colorado Springs Planning and Development Team. Contact the Planning and Development Team, 30 South Nevada Avenue, Suite 105, Colorado Springs, CO, if you would like to review said report.*

Section 6. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter. The provisions of this ordinance shall not apply to the construction or reconstruction of any building or structure, or any addition to any building or structure, constructed pursuant to a valid building permit issued subsequent to a completed application submitted prior to passage of this ordinance on first reading.

Section 7. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2016.

**Finally passed:** \_\_\_\_\_

\_\_\_\_\_  
Council President

**Mayor's Action:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_, based on the following objections:

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\_\_\_\_\_  
Mayor

**Council Action After Disapproval:**

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_.
- Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
Council President

ATTEST:

\_\_\_\_\_  
Sarah B. Johnson, City Clerk

COS: \_\_\_\_  
CAO: \_\_\_\_