

ORDINANCE NO. 17-26

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. 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:

A1. * * *

B2. * * *

C3. * * *

D4. * * *

E5. * * *

6. Public improvement construction drawings.

B. The Manager may request a site-specific geologic hazard study 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 where no previous geologic hazard study has been reviewed by the City as part of the master plan, zone change, development plan, preliminary plat or final plat.

Section 2. Section 503 (Exemptions and Waivers) 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:

7.4.503: EXEMPTIONS AND WAIVERS:

A. * * *

1. Land lying within the hillside area (HS) overlay zone or the streamside (SS) overlay zone or with a 100-year floodplain **or any Potential Landslide Susceptibility and Mine Subsidence map published by the Colorado Geological Survey.**

* * *

5. Other geological hazards which pose a risk to the proposed project, other than seismicity, radiation (radon), ~~expansive~~/compressible soils, shallow water table or springs, ~~slight to moderately~~ expansive soils or expansive bedrock which can be mitigated with standard foundation design/construction practices.

* * *

Section 3. 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:

In accord with applicable professional and legal standards, Ggeologic 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 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 the professional geologist and/or 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 4. 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~~ **Provide** mitigation techniques, which will ~~minimize~~ **reduce to acceptable standards** 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.

* * *

Section 5. 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. **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.** 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 **either** 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 construction plans.**

E. **At the discretion of the Manager, and concurrent with other City reviews, a copy of a final geologic hazard study and its related master plan, concept plan, development plan, preliminary plat, final plat or residential site plan may be provided for review to Colorado Geological Survey, or an independent professional geologist, or a qualified geotechnical engineer, with an anticipated response to the City within fourteen (14) days. If the City does not receive a response to the final geologic hazard study review within fourteen (14) days of submission, the City shall have the authority to process any approvals or denials of the associated plan or plat.**

F. **For any single-family or duplex land development proposal subject to a geologic hazard study, the applicant shall submit to the Manager an Improvement Location Certificate prior to the issuance of a Certificate of**

Occupancy by the Regional Building Official. The Improvement Location Certificate shall be prepared pursuant to the requirements set forth in section 38-51-108 of the Colorado Revised Statutes. The Regional Building Official shall not issue a Certificate of Occupancy until the Manager reviews the Improvement Location Certificate for conformance with the City approved land development proposal and site plan.

Section 6. 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 7. 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 8. 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 14th day of March, 2017.


Finally passed: March 28th, 2017



Council President

Mayor's Action:

- Approved on March 29, 2017.
- Disapproved on _____, based on the following objections:



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



I HEREBY CERTIFY, that the foregoing ordinance entitled **“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”** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on March 14th, 2017; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 28th day of March, 2017, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 30th day of March, 2017.



Sarah B. Johnson, City Clerk



1st Publication Date: March 17th, 2017

2nd Publication Date: April 5th, 2017

Effective Date: April 10th, 2017

Initial: SBJ

City Clerk