



Legislation Details (With Text)

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Type: Planning Case **Status:** Mayor's Office

File created: 6/17/2016 **In control:** City Council

On agenda: 3/28/2017 **Final action:** 3/28/2017

Title: Ordinance No. 17-26 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. (Legislative)

Presenter:
Peter Wysocki, Planning and Community Development Director

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan_Dev-GeologicalHazardORD-2017-03-01-Final, 2. 3.14.17 geohazard CC presentation, 3. Minutes_GeoHazard_02.16.17, 4. Ordinance 17-26

Date	Ver.	Action By	Action	Result
3/28/2017	9	City Council	finally passed	Pass
3/14/2017	8	City Council	approved on first reading	Pass
2/27/2017	6	Council Work Session	referred	
2/16/2017	6	Planning Commission	referred	Pass
8/23/2016	4	City Council	finally passed	Pass
8/22/2016	4	Council Work Session	referred	
8/18/2016	4	Planning Commission	postponed indefinitely	Pass
7/25/2016	3	Council Work Session	referred	
7/21/2016	2	Planning Commission	recommended for denial	Pass
6/27/2016	1	Council Work Session	referred	

Ordinance No. 17-26 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. (Legislative)

Presenter:
Peter Wysocki, Planning and Community Development Director

Summary:

Please see the attached Planning Commission staff report from the February 16, 2017 Planning Commission meeting.

Previous Council Action:

The proposed ordinance was presented to City Council at the February 27, 2017 Work Session. The Council cleared the ordinance to be presented on the March 14, 2017 Regular Meeting. Staff's suggested language clarifying that the submittal of an Improvement Location Certificate applies only to building permits for single-family and duplex residences has been added to Section 7.4.506.F.

The City Council initially reviewed a previous version of this ordinance at the August 22, 2016 work session and at the August 23, 2016 regular meeting at which the Council postponed consideration of the ordinance to allow for further work and stakeholder process.

On March 14, 2017, City Council approved this ordinance on first reading with a unanimous vote of 9:0.

Background:

Complete background and summary of the ordinance is provided in the attached Planning Commission Staff Report.

Board/Commission Recommendation:

At its February 16, 2017 meeting, the Planning Commission unanimously (6-0 vote, Commissioners Walkowski and Graham absent, Commissioner McDonald recused) recommended denial of the proposed ordinance to the City Council. Since this is a legislative item, the ordinance is still forwarded to the City Council for consideration. Staff recommended approval of the ordinance; however, after a lengthy discussion and deliberation, the Commission voted to recommend denial.

The Planning Commission had two (2) primary concerns:

1. A belief that the proposed changes are not necessary and have not been sufficiently justified and documented; and,
2. The proposed changes would result in more impediments and barriers to redevelopment and infill of properties west of Interstate 25.

Some Commissioners (particularly Commissioners Shonkwiler and Markewich) felt strongly that the ordinance should be amended to eliminate the "blanket" requirement for geological hazard studies to be prepared for all properties west of I-25. These Commissioners believe that properties west and east of I-25 should be treated the same - in other words, a project would only be subject to the study if the project site was within a known hazard area. The Commissioners felt that a blanket requirement unjustly "stigmatizes" properties west of I-25. While a topic of considerable discussion, ultimately, a motion was made to recommend denial of the ordinance as presented and the motion passed without any amendment. Staff would like to re-iterate that the "blanket" applicability to properties west of I-25 has been the standard since the initial adoption and codification of the geological hazard study ordinance in 1996. Furthermore, modification of this standard has not been sought by the development industry, homebuilders, geologists or geotechnical professionals.

Stakeholder Process:

A significant stakeholder process was initiated and led by Councilmembers Knight and Strand. The Councilmembers held a number of larger stakeholder meetings and smaller meetings with residents, industry representatives, Regional Building Department staff and Colorado Geological Survey staff. The proposed ordinance has been drafted with input from the working group and individual meetings with stakeholder organizations.

The HBA has requested a minor change to the draft ordinance by incorporating language in Section 7.4.506.F (which is a new paragraph altogether) clarifying that the Improvement Location Certificate (ILC) be only required with building permits for single-family and duplex residences. Staff does not object to this additional language.

Alternatives:

1. Approve the ordinance as presented;
2. Approve the ordinance with modifications;
3. Deny the ordinance as recommended by the Planning Commission; or
4. Refer the ordinance back to the Planning Commission to review and consider any significant modifications desired by the City Council.

Proposed Motion:

Move to approve 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.

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.