

Planning for Hazards Pilot project

Stakeholder comments from community outreach

Planning staff have been meeting with boards and commissions to explain this project to stakeholders, get input, and answer questions. We also distributed a survey to the *Plan Manitou* mailing list. We have summarized the feedback and questions from this outreach below. We responded to some questions here; other questions require some additional research. We will use this input to inform the project approach. We'll update this list as new information becomes available. Community comments are in black, staff responses are in **blue**. Thank you!

Survey to the Plan Manitou email list (Nov. 2017):

Here are some comments and questions from the citizen survey that we think will be of general interest.

- Promote more flexible regulations for the areas that are less prone to hazards
 - This perspective has been incorporated into the approach for this project. Staff is preparing a table to summarize how the zoning and subdivision code updates could affect property owners, and we will also identify when code changes will result in greater flexibility for property owners.
- I'm lacking knowledge of the definition /description for "high hazard areas" as used in these options.
 - The City completed a Natural Hazard Risk Assessment as part of the comprehensive planning ("Plan Manitou") process. The Risk Assessment includes maps that show where different types of natural hazards are most likely occur. These maps are available at: http://planmanitou.com/wp-content/uploads/2017/04/AppendixC_RiskAssessment_170413_final.pdf

In addition, the City has engaged Colorado Geologic Survey staff to update the City's geologic hazard risk maps. Also, a Wildfire Urban Interface Map Committee was convened to confirm the City's wildfire urban interface risk map. This mapping will help to guide the City's approach for developing regulations to address these hazards.

- We should look to the Cedar Heights example from the last fire and seek to create fire buffers around city. We should also find ways to create more storm water storage capacity or increase the size or numbers of pathways to move water through town quickly.
 - Yes, Cedar Heights implemented fire mitigation strategies that may have prevented the Waldo Canyon fire from spreading to that neighborhood. Cedar Heights HOA and homeowners have also implemented and maintained defensible space strategies (vegetation removal and management).

Manitou Springs prepared a *Hazard Mitigation Strategy* that includes a range of approaches and actions to reduce wildfire risk. Creating fuel breaks is one component of the City's strategy, and addressing hazard risk with regulatory tools is another

component. The City has created “shaded fuel breaks” in open spaces around the developed portions of the City, such as along the Intemann Trail. Fuel breaks are a strategy to slow the spread of fire, but will not “protect” the City from a wildfire, mainly because sparks and embers can travel considerable distances. Also, fuel breaks must be continuously maintained to be effective. For these reasons, the City will need to employ a diverse range of approaches to become more resilient to wildfire.

Property owners can take specific actions to reduce their wildfire risk. Home and business owners should consider using fire resistive construction materials. Also, there are maintenance actions to take that are small but go a long way: rake leaves and yard debris, clean gutters and roof valleys, and keep shrubs and trees pruned. The National Fire Protection Association developed the Firewise program and principles to help property owners reduce their wildfire risk (www.firewise.org).

Also, the Planning Department has developed information with actions that property owners can take to reduce risk from flooding and wildfire. Staff is finalizing this and will post and publicize the final product soon.

Regarding storm water capacity and pathways, the City is developing a *Flood Control Master Plan* that includes recommendations for this type of approach.

- When answers are compiled, call a neighborhood stakeholder meeting to encourage communication!
 - We will continue to publicize this project so residents continue to be informed. We will also use *Nextdoor*, which has become a popular venue for distributing information to City neighborhoods. The point about planning to reduce hazard risk at the neighborhood scale is an excellent one. The City’s Fire Department is developing a *Community Wildfire Protection Plan*, which recommends that the Department assess wildfire risk at both the parcel and neighborhood scale. If property owners in a neighborhood collaborate to effectively mitigate risk on their individual properties, the overall risk for the neighborhood will be decreased.
- (The City should conduct) ongoing mitigation of fire hazards on vacant property
 - The City has conducted fire mitigation projects along the Intemann and Iron Mountain trails in the Red Mountain and Iron Mountain open spaces. The City needs to conduct more fire mitigation in its open spaces, which is also a recommendation in the City’s *Parks, Open Space and Trails Master Plan*. Great Outdoors Colorado (GOCO) awarded the City a grant for summer 2018 to engage a youth corps group for further mitigation efforts. The specific project has not been selected yet. Ongoing mitigation and maintenance is a must – eventually, projects should tie in together and ideally overlap.
- Allow bonuses and incentives for building in high hazard areas for meeting certain mitigation requirements (i.e. fire clearing, sprinkler systems)
 - If by bonuses you mean greater density or more development, it may not be a good strategy to encourage more development in high hazard areas beyond what is already permitted by zoning because this would put more people and property at risk. *Plan Manitou* includes land use policies that discourage density increases in high hazard risk areas.
- It is cumbersome to find what you need quickly in the code. And too many regulations that don't make sense to residents.

- Thank you for this comment, and staff agrees. We are striving to make the code sections that we are working with in the *Planning for Hazards* project easier to read and to apply. We think that the project will improve and simplify a number of items in Chapter 16, Subdivision regulations and Chapter 18, Zoning. In the future, we would like to include more illustrations to illustrate concepts more clearly.
- It is too easy to get a subdivision waiver to encroach into no-build zones.
 - Planning staff agrees that we need better criteria and review standards.

December 2017

Open Space Advisory Committee: update to group at Dec 14, 2017 meeting

- Does identifying geologic hazard risk areas affect insurance rates? (the City is working with Colorado Geologic survey on a project to map areas most susceptible to geologic hazards)
 - Insurers treat each natural hazard category (flooding, geologic hazards, and wildfire) somewhat differently.

- **Flooding:** Standard homeowners and commercial property policies do not cover flood losses. To address this gap, the Federal Emergency Management Agency (FEMA) developed the National Flood Insurance Program (NFIP). The NFIP offers flood insurance in communities that comply with minimum standards for floodplain management. If an owner of property in a mapped floodplain area has a mortgage on the property, their lender will usually require them to purchase flood insurance for the property.

Also, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS:

1. Reduce flood damage to insurable property
2. Strengthen and support the insurance aspects of the NFIP, and
3. Encourage a comprehensive approach to floodplain management.

The CRS has identified 19 creditable activities, organized under four categories (public information, mapping and regulations, flood damage reduction, warning and response), and assigns credit points for each activity. Once a community undertakes these activities, they can prepare an application to the CRS and are then assigned a specific rate class to receive flood insurance premium discounts. Manitou Springs participates in the CRS program and is currently rated a CRS Class 7. This qualifies owners of property in the Special Flood Hazard Area (SFHA) to receive a 15% discount on flood insurance premiums, while those individuals who have flood insurance on properties in the Non Special Flood Hazard Area (Non-SFHA) receive a 5% discount on flood insurance premium.

Pikes Peak Regional Building Department has overseen the City of Manitou Springs CRS program in the past. However, we were recently notified that the Pikes Peak

Regional Building Department will no longer be maintaining and overseeing the CRS program for individual communities including Manitou Springs, and the responsibility for continued participation in the CRS program is now the responsibility of each individual community.

The City of Manitou Springs Hazard Mitigation and Resiliency Department is working with City Council to ensure that the proper controls are in place to ensure continued participation in the CRS program, which will provide flood insurance policy holders with the discounted premiums.

(Source: 2015 NFIP short brochure, Federal Emergency Management Agency).

- **Geologic hazard:**

Does identifying geologic hazard risk areas affect insurance rates?

Staff conferred with a local insurance agency representative to respond to this question. The agent said that they currently evaluate the grade of the property using satellite images. This gives them information on whether the property is a risk that they will insure. They do not specifically look at rock movement. The agent said that the City's geologic hazard study would not be a source that they would consult to evaluate risk and that the Manitou Springs study would not cause problems with carriers and how they insure properties in Manitou Springs.

Standard homeowners' insurance policies do not cover geologic hazards. Some companies do offer coverage for mine subsidence, earthquake, flooding and other events as a separate policy endorsement.

- **Wildfire hazard:** Insurance companies tend to assign rates and requirements based on a geographical area such as a zip code. Some insurance companies have adopted their own sets of standards that far exceed national wildland fire standards (Firewise). When looking to reduce rates or avoid having a policy cancelled, property owners will have to look beyond their own borders and engage in neighborhood level practices.
- It may be valuable to reach out to the newly formed Homeless Task Force and coordinate our efforts with theirs – contact is John Touchstone.
 - Thank you for this comment. We will let him know about this effort.
- Mitigation and risk reduction adjacent open space areas could be particularly valuable.
 - This comment is pertinent to both flooding and wildfire. For flooding, open space areas can serve to mitigate high flood events. For wildfire, homeowner mitigation adjacent open spaces will help decrease the risk of a structural fire spreading to open space areas. We will share this suggestion with the City's Fire Department, which will be conducting site level assessments to inform property owners about how they can reduce their wildfire risk in 2018. Fuels reduction and other mitigation practices work best when they are implemented on open space as well as adjacent developed property.

Urban Renewal Area Board: Dec 16, 2017 meeting

- Don't want added costs for complying with new regulations to become a disincentive for new development or redevelopment

- Yes, we agree and will continue to evaluate the project approach in light of other community priorities, such as economic development and housing. We encourage community members to continue to weigh in on this issue.
- Bullet #2 and #4 from info sheet are most pertinent to URA – floodplain-related items
- Can we assess the fiscal impact of proposed new requirements? By this, what are primarily added costs for homeowners or developers? (Could also be fiscal costs if new development is discouraged).
 - Fiscal impact can be considered at both the individual level, as well as the municipal level. There are both positive and negative impacts to both. For both individuals and the City overall, the code changes will yield a benefit by reducing risk to people, property and infrastructure.
 - At an individual level, Staff is preparing a table of how the zoning and subdivision code updates would affect submittal requirements for development applications. We'll post the table on the project webpage.
 - At the municipal level, please see the response to the first comment in this section.
- URA has budgeted for 250K floodplain improvements. Idea is for URA to cover some of the necessary costs. URA area is on high side of corridor, whereas north is lower and more flood prone. A fair number of properties are still in the floodplain. Elevation Certificates for these properties are crucial. Do we need to assess the corridor to identify which properties require mitigation? Or to identify which properties will need to be upgraded to meet the “sensitive design” standards as updated in Planning for Hazards project?
 - This would be a non-regulatory approach to restore floodplain areas and stabilize the bank and corridor habitat along creeks. It would also be an effective approach to help mitigate flood impacts along the creek and to reduce bank erosion.
- A new flood study for Fountain Creek is currently being reviewed by City staff.
 - We will let you know once the updated study and maps are effective.

January 11, 2018 Open House

- Can you include an estimated cost with each regulation? This is good for us to be aware of, as well as for developers.
 - Staff is preparing a table of how the zoning and subdivision code updates would affect submittal requirements for development applications, for instance, if a geologic hazards report and plan is required. We will try to estimate these potential costs, but it will vary based on the property and the request.
- Have you involved insurance companies regarding standards that might avoid rate increases, outlandish requirements and even cancelling of policies. If not, perhaps you should.
 - Yes, we will confer with insurance company representatives to understand potential effects to homeowners (This comment is similar to the first comment on page 1.). Some of these requirements may result in premium reductions for homeowners.
- You're on the right track with these recommendations.

- I would suggest not using the term “open house.” That gives the impression that it is a “drop in at any time” event. We came a little before 6:00 pm and missed most of the presentation.
 - Good point, thanks for the feedback.
- Perhaps start later for some events. Please share any project timelines via website and PPB as they develop.
 - Planning staff will continue to share information about this project through the project website (<http://www.manitouspringsgov.com/government/departments/planning/planning-for-hazards>), through email notification and social media, and through the PPB, when feasible.

Chamber of Commerce – January 25, 2018

- A homeowner in Green Mountain Falls was required to submit a permit to regional building for a bridge on their property; not sure why this would not apply to Manitou Springs, too.
 - Our understanding is that regional building reviews bridges for floodplain compliance but not for structural design, but we will look into this further.

Please note that the floodplain manager at regional building reviews and issues floodplain development permits for any and all development in the floodplain, per federal, state and regional requirements.

However, there is a gap in this process that is due to a lack of knowledge in reference to floodplain regulations and permitting requirements. For example, development projects on property within the FEMA mapped floodplain that do not require the typical building department design review and permitting process, and where the builder/developer is not aware of floodplain regulations and permitting requirements, is a clear example of how non-compliance with floodplain permitting could happen. If a development project requires some level of building department design review and permitting, the reviewers will recognize the development is occurring in the FEMA mapped floodplain, and they will then require the builder/developer to obtain a floodplain development permit.

Please note that per 44 CFR 59, development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Land Use Committee, Housing and Building Association of Colorado Springs – Feb. 22, 2018

Planning staff met with this group on February 22 to present an overview of this project. We will circle back with the group to review the first draft code update and answer questions when the draft is released.

Regional Building Department staff are informed of the project and will continue to be engaged for comment as the draft moves forward.