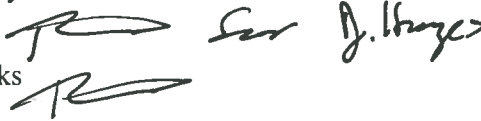


**PUBLIC WORKS DEPARTMENT
MEMORANDUM #2016 – 50**

DATE: August 8, 2016
TO: Honorable Mayor Joyce Downing and City Council Members

FROM: James A. Hayes, AICP, City Manager
David H. Willett, Director of Public Works



SUBJECT: Councilman's Bill 1870

BACKGROUND

In 2011 staff revised ordinance language in Articles 16-13 and 16-17 of our Municipal Code to meet the compliance requirements from the Colorado Department of Public Health and Environment, Water Quality Control Division following an audit of our Municipal Separate Storm Sewer System (MS4) Permit program. Section 16-13-9 was revised for the first time since 1979.

The intent of the 2011 revision was to bring our regulations in line with, and not be more restrictive than, the requirements of our (federally mandated, state permitted) MS4 Permit. The specific language of Section 16-13-9(a) as adopted is included as Attachment A.

The intent of the requirements under the MS4 permit is to require development or redevelopment projects that disturb one or more acres of land, or projects that are smaller than one acre but are part of a larger common plan of development to design and install permanent stormwater control features that mitigate the impacts of additional impervious area and provide for water quality improvements. The section of our MS4 permit that includes this requirement is included as Attachment B.

The language in the adopted ordinance is a contradiction to the intent of the MS4 permit. Our ordinance requires all development and redevelopment, both greater than and less than one acre, to submit and obtain approval on post-construction (permanent) stormwater quantity and quality controls. Due to a staff oversight during the drafting of the revised language, the word "not" was incorrectly used in this specific location of our ordinance. Removing the word "not" from the one location in the existing language will bring our code into conformance with the intent of our MS4 Permit.

BUDGET/TIME IMPLICATIONS

The recommended revision to the ordinance language would not have an implication to the budget.

The incorrect language should be corrected as soon as possible so that our Municipal Code correctly reflects the intent of the MS4 Permit and the requirements under the Colorado Discharge Permit System permit program and the Federal Clean Water Act.

RECOMMENDATION

Attached to this memorandum is an Ordinance that, if approved, would correct the language in our existing Municipal Code.

Staff recommends approval of the proposed minor language changes to the Ordinance.

STAFF REFERENCE

Kent Kisselman, P.E., Engineering Manager
Pam Acre, Stormwater Coordinator

kkisselman@northglenn.org
pacre@northglenn.org

303.450.4005
303.450.8792

ATTACHMENTS

- o Councilman's Bill
- o Municipal Code Section 16-13-9
- o MS4 Permit page 9

PUBLIC WORKS DEPARTMENT ~~Water-Utility Department~~ in order to coordinate, design, construct, manage, operate and maintain the storm drainage and flood control system;

(d) To establish reasonable storm drainage and flood control fees on the basis of the use made of storm drainage facilities; and

(e) To encourage and facilitate urban water resources management techniques, including detention of storm runoff, minimization of the need to construct storm sewers, reduction of pollution, and the enhancement of the environment.

Section 16-13-9. Storm Drainage Plans.

(a) Prior to the issuance by the City of a building permit for any building or structure, other than a single family dwelling, **THAT MAY RESULT IN A LAND DISTURBANCE OF ONE OR MORE ACRES, OR RESULT IN LAND DISTURBANCE OF LESS THAN ONE ACRE BUT WHICH IS NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT,** the property owner or building permit applicant shall submit a detailed storm drainage plan to the City, and the requested building permit shall not be issued until and unless this storm drainage plan has been approved by the City Manager OR THE CITY MANAGER'S DESIGNEE. Such plan will be reviewed from the standpoint of generally accepted engineering principles and standards in the area of storm and drainage control. ~~and consistent with other standards contained in the City Land and Water Resources Management Policy Statement.~~

(b) The storm drainage plan shall establish, locate, or otherwise define the alignment and boundary of any natural drainage course, drainage facility, or subdrainage area on the land in question, and it shall include drawings, profiles, and specifications for the construction and installation of channels, conduits, reservoirs, culverts, bridges, easements, and all other drainage facilities reasonably necessary to ensure that flood and storm waters, including drainage from other lands which will contribute runoff to the property in question, will be adequately drained and controlled. Included in the plan shall be a schedule containing the estimated dates of completion of construction for all storm drainage facilities shown on the plan. If and when the plan is approved and the building permit issued the applicant shall comply with the schedule.

(c) No storm drainage plan shall be approved by the City Manager unless it conforms with the master drainage plan, and particularly that portion of the master plan which relates to the drainage basin in which the land in question is located.

(d) The approval by the City Council, or the City's Planning Department or Planning Board of every subdivision, planned unit development, special review use, and height exception is conditioned, whether expressly stated or not, on the submission and approval of the storm drainage plan required by this section.

B. CDPS STORMWATER MANAGEMENT PROGRAM (cont.)

- 2) Develop and implement the program to assure adequate design, implementation, and maintenance of BMPs at construction sites within the MS4 to reduce pollutant discharges and protect water quality. The program must include, at a minimum, the development, implementation, and documentation of:
 - i) Program Requirements, including:
 - A) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions and procedures adequate to ensure compliance, to the extent allowable under State or local law.
 - B) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs.
 - C) Requirements for construction site operators to implement BMPs to control waste such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste, and other non-stormwater discharges including construction dewatering and wash water, at the construction site that may cause adverse impacts to water quality.
 - ii) Compliance Assessment, including:
 - A) Procedures for site plan review which incorporate consideration of potential water quality impacts.
 - B) Procedures for construction site compliance assessment, including
 - 1) site inspections; and
 - 2) receipt and consideration of information submitted by the public.
 - iii) Compliance Assurance, including:
 - A) Procedures for enforcement of control measures that includes documented procedures for response to violations of the permittee's program requirements. Procedures must include specific processes and sanctions adequate to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measures.
 - 1) **Specific Deadline for Renewal Permittees:** Renewal Permittees must comply with the requirement of subparagraph (A) to develop, document and implement response procedures that specifically address chronic and recalcitrant violators by no later than **December 31, 2009**. Prior to this deadline, Renewal Permittees must continue to implement existing procedures for program compliance.
 - B) An education and training program for municipalities, their representatives and/or construction contractors. At a minimum, the program must include an information program for construction site operators unfamiliar with the reviewing authority's regulatory requirements.

5. Post-Construction Stormwater Management in New Development and Redevelopment

- a) The permittee must develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4. The program must ensure that controls are in place that would prevent or minimize water quality impacts. The permittee must:
 - 1) Develop, implement, and document strategies which include the use of structural and/or non-structural BMPs appropriate for the community that address the discharge of pollutants from new development and redevelopment projects, and/or that maintain or restore hydrologic conditions at sites to minimize the discharge of pollutants and prevent in-channel impacts associated with increased imperviousness;
 - 2) Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law;

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1870
Series of 2016

Series of 2016

A BILL FOR AN ORDINANCE AMENDING SECTION 16-3-9, SUBSECTION (a) OF THE NORTHGLENN MUNICIPAL CODE REGARDING STORM DRAINAGE PLANS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 16-2-9(a) of the Northglenn Municipal Code is amended to read as follows:

(a) Prior to the issuance by the City of a building permit for any building or structure, other than a single family dwelling, that may result in a land disturbance of one or more acres, or result in land disturbance of less than one acre but which is ~~not~~ part of a larger common plan of development, the property owner or building permit applicant shall submit a detailed storm drainage plan to the City, and the requested building permit shall not be issued until and unless this storm drainage plan has been approved by the City Manager or the City Manager's designee. Such plan will be reviewed from the standpoint of generally accepted engineering principles and standards in the area of storm and drainage control.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2016.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2016.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney