



Legislation Text

File #: CPC CA 20-00148, **Version:** 2

Ordinance No. 21-03 amending Section 508 (SS - Streamside Area Overlay) of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control.

Presenter:

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Summary:

The proposed ordinance amends City Code Chapter 7 related to grading, erosion and stormwater quality control requirements.

The Colorado Springs Stormwater Enterprise is recommending the adoption of revisions to Code to allow for continued compliance with the City's Municipal Separate Storm Sewer System Permit (MS4 Permit), and to alleviate future conflicts between City Code and State criteria. The full language for the proposed ordinances is attached.

Background:

The MS4 Permit is required under the United States Clean Water Act, and is administered by the State on behalf of the United States Environmental Protection Agency. The permit governs the City's operation of stormwater infrastructure, aiming to control and limit pollutants to the City's drainage system and downstream waterways.

In response to ongoing litigation related to MS4 Permit compliance, the Stormwater Enterprise has worked with the State to develop a new Stormwater Construction Manual. This manual contains requirements related to grading and erosion control. Requirements related to stormwater quality remain in the Drainage Criteria Manual. The Stormwater Construction Manual has been approved by the State, and it is a State requirement to implement the new manual in the City of Colorado Springs to meet MS4 Permit requirements.

The proposed changes to code will update City Code to align with the new criteria. Specifically, the proposed language will accomplish the following:

1. Update grading, erosion, and stormwater quality control requirements to align with new State-approved criteria;
2. Amend old language to match updated State terminology and industry terms; and
3. Revise Hillside Overlay and Streamside Overlay sections to match new grading and erosion control requirements.

General Changes

References to former grading, erosion and stormwater quality control criteria were removed and replaced with references to the updated criteria. Language that duplicated or conflicted with other areas of code was removed to avoid repetition and potential future conflicts. References to City Engineering and the City Engineer were updated to refer to the Stormwater Enterprise and the Stormwater Enterprise Manager where appropriate. This was changed to clarify the decision-making authority for specific sections of Code. References to Best Management Practices (BMPs) were changed to reference control measures, construction control measures, or permanent control measures as appropriate to match updated language in criteria.

Summary of the proposed change for this ordinance is included below.

Ordinance_SS-O

Section 7.3.508: SS - Streamside Overlay Zone

Subsection B

The definition and reference for Best Management Practices was replaced by a definition and reference for Control Measures to match updated language in criteria. The Prudent Line definition was also removed as that term is no longer used in City Code.

Subsection E.1.f

Language and references to Part 7.7.15 were updated to reference the proposed new language in that part. Rather than discussing a Grading and Erosion Control Plan, the subsection now references grading and erosion control permitting requirements. Under the City's MS4 Permit, there is no requirement for grading and erosion control specific to the Streamside Overlay.

Subsection E.2.f

Language requiring a revegetation plan was removed from this subsection. Proposed vegetation is required to be shown on all Grading and Erosion Control Plans according to criteria. Language specifically requiring protective measures only when grading and soil erosion control plan approval is required is removed. The intent is to require protective measures for all land use proposals within the Streamside Overlay.

Subsection F.4

References and language related to the Prudent Line setback was removed from Code. The Prudent Line concept is not considered to be in conformance with the City's MS4 Permit according to the State. The Prudent Line concept has also been removed from stormwater criteria and Drainage Basin Planning Studies. Language governing work on public facilities was removed and replaced by a reference to the criteria in Section 7.7.1503 to avoid conflicts between the two sections of Code.

Previous Council Action:

City Council approved changes to the Drainage Criteria Manual on November 24, 2020. The proposed code changes are mirrored after the recent changes to stormwater criteria.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

At the November 19, 2020 City Planning Commission meeting, Staff presented the ordinance for discussion and recommendation to City Council. City Planning Commission voted to recommend the

ordinance for approval to City Council.

Stakeholder Process:

The development of the Stormwater Construction Manual involved a full stakeholder process with review and comment from industry stakeholders. The amendments involved in this code change have also been discussed with industry stakeholders, and there were no public comments at the Planning Commission meeting.

Alternatives:

Approve the proposed draft ordinance as presented.

Approve the draft ordinance with changes deemed necessary.

Disapprove the draft ordinance.

Proposed Motion:

Adopt an ordinance amending Section 508 (SS - Streamside Area Overlay) of Part 5 (Overlay Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to grading and erosion control.

An amendment of Section 508 of the Code, pertaining to grading and erosion control, to enable continued compliance with the City's Municipal Separate Storm Sewer System Permit (MS4 Permit).