



## Legislation Details (With Text)

<b>File #:</b>	CPC CA 20-00144	<b>Version:</b>	2	<b>Name:</b>	Hillside Area Overlay
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Mayor's Office</b>	
<b>File created:</b>	11/3/2020	<b>In control:</b>		<b>City Council</b>	
<b>On agenda:</b>	1/26/2021	<b>Final action:</b>		<b>1/26/2021</b>	
<b>Title:</b>	Ordinance No. 21-02 amending Section 504 (HS - Hillside 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: Erin Powers, Senior Technical Engineer Richard Mulledy, Stormwater Enterprise Manager				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ordinance\_HS-O, 2. Signed Ordinance 21-02

Date	Ver.	Action By	Action	Result
1/26/2021	1	City Council	finally passed	Pass
1/12/2021	1	City Council	approved on first reading	Pass
12/7/2020	1	Council Work Session	referred	
11/19/2020	1	Planning Commission	recommended for approval	Pass

Ordinance No. 21-02 amending Section 504 (HS - Hillside 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:

Erin Powers, Senior Technical Engineer  
Richard Mulledy, Stormwater Enterprise Manager

### 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 ordinance 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 HS-O

##### Section 7.3.504: HS - Hillside Area Overlay

##### Subsection D.2.c

Language discussing Grading Plan, Erosion and Stormwater Quality Control Plan, Reclamation and Maintenance was removed and replaced by a reference to Part 7.7.15 of Chapter 7. This was done to avoid conflicts between the two sections of Code. Under the City's MS4 Permit, there is no requirement for grading and erosion control specific to the Hillside Area Overlay.

##### Subsection G.3

Language discussing financial securities specific to grading, erosion control, and stormwater quality control and reclamation plans was removed and replaced by a reference to Section 7.7.1503. This was done to avoid conflicts between the two sections of Code.

##### Subsection H

Language requiring the seal of a registered Professional Engineer licensed in the State of Colorado on a hillside site plan/lot grading plan was added. This was added to ensure a Professional Engineer is engineering the site grading in hillside areas. Language was also added allowing the Manager to waive the hillside site plan/lot grading plan requirement if the change is determined to be a minor disturbance with no grading or removal of vegetation.

#### Subsection I

A reference to the Grading, Erosion, and Stormwater Quality Control and Reclamation Plan was replaced with a reference to a Grading and Erosion Control Plan and the corresponding Section 7.7.1504. Language referencing enforcement action by the City Engineer was removed to avoid conflicts with enforcement language in the new Part 7.7.15.

#### **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 504 (HS - Hillside 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 to Section 504 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).