



## Legislation Text

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**File #:** CPC CA 20-00149, **Version:** 2

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Ordinance No. 21-04 amending Part 9 (Subdivision Drainage Facilities) of Article 7 (Subdivision Regulations) 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 and stormwater quality.

**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 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 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.

#### Drainage Facilities

##### Part 7.7.9: Subdivision Drainage Facilities

##### Section 7.7.906: Subdivider to Prepare Drainage Reports and Detailed Drainage Plans

Language with stormwater quality requirements for new development and significant redevelopment was removed and replaced by a reference to the Drainage Criteria Manual. The existing code language was based on previous criteria that was changed in 2014, did not match current criteria, and was not aligned with the City's MS4 Permit requirements. Referencing the Drainage Criteria Manual will avoid future conflicts if criteria must be updated to stay in conformance with the City's MS4 Permit requirements.

#### **Previous Council Action:**

City Council approved changes to the Drainage Criteria Manual on November 24, 2020. The proposed code change is 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 Part 9 (Subdivision Drainage Facilities) of Article 7 (Subdivision Regulations) 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 and stormwater quality.

An ordinance amending Chapter 7 of the Code, pertaining to grading and erosion control and stormwater quality to enable continued compliance with the City's Municipal Separate Storm Sewer System Permit (MS4 Permit).