



**SCOTTSBLUFF CITY**  
**PLANNING COMMISSION AGENDA**  
**Monday, September 11, 2017, 6:00 PM**  
**City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, NE**  
**69361**

PLANNING  
COMMISSIONERS

BECKY ESTRADA  
CHAIRPERSON

ANGIE AGUALLO  
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN  
ALTERNATE

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
  - A Minutes**  
Approve Minutes of 8/4/17 meeting
- 7. NEW BUSINESS:**
  - A Final Plat Lots 1-2 Block 30, North Scottsbluff Addition**
  - B Plat and Dedication of a Portion of East 9th St**
  - C Comprehensive Plan Amendment**  
Amend Parks and Recreation section of Comp Plan to include proposed improvements to 23 Club facilities.
  - D Ordinance Change Chapter 21 Subdivision Code and Chapter 6 Fees**  
Amend subdivision code to change the way runoff from new development is managed. Impose impact fee for development which creates additional runoff.
- 8. ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

**City of Scottsbluff, Nebraska**  
**Monday, September 11, 2017**  
**Regular Meeting**

**Item Appr. Min.1**

**Minutes**

*Approve Minutes of 8/4/17 meeting*

**Staff Contact:**

**Planning Commission Minutes**  
**Regular Scheduled Meeting**  
**August 14, 2017**  
**Scottsbluff, Nebraska**

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The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday, August 14, 2017, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on August 5, 2017. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

**ITEM 1:** Vice Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members: Henry Huber, Jim Zitterkopf, Dana Weber, Anita Chadwick, Callan Wayman, Dave Gompert, Mark Westphal, Angie Aguillo, Becky Estrada. City officials present: Annie Folck, City Planner, Gary Batt, Code Administrator I, Anthony Murphy, City Fire Marshal.

**ITEM 2:** Vice Chairperson Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on the bulletin board in the back area of the Conference Room on the north wall, for those interested parties.

**ITEM 3:** Acknowledgment of any changes in the agenda: None.

**ITEM 4:** Business not on agenda: None

**ITEM 5:** Citizens with items not scheduled on regular agenda: None

**ITEM 6:** The minutes of 05/08/17 were reviewed and approved as distributed. A motion was made by Zitterkopf, and seconded by Chadwick. "YEAS": Zitterkopf, Huber, Westphal, Gompert, Wayman, Chadwick, Aguillo, Estrada. "NAYS": None. ABSTAIN: Weber. ABSENT: None. Motion carried.

**ITEM 7A & 7B:** The Planning Commission opened a public hearing for a rezone of 1202 11<sup>th</sup> Avenue, Lot 7, Block 3 of Harvard Place Addition, City of Scottsbluff, Nebraska. The property is zoned as C-3 and the applicant Rosario Gurrola is requesting to rezone to an R1A zone. The property is the former Head Start building, which was sold to Pedro and Rosario Gurrola early in 2017. They plan to turn the building back into a residence. The property across the street to the east of 1202 11<sup>th</sup> Avenue is zoned as C-3, the remaining property to the north, south, and west of 1202 11<sup>th</sup> Avenue is all zoned as R1A. Rezoning of 1202 11<sup>th</sup> Avenue would bring the property into compliance with the 2016 Comprehensive Plan.

**Conclusion - rezone:** A motion was made by Weber and seconded by Westphal to make a positive recommendation to City Council on the rezone to R1A from C-3 zoning: Lot 7, Block 3 of the Harvard Place Addition, City of Scottsbluff, Nebraska. "YEAS": Zitterkopf, Huber, Westphal, Gompert, Wayman, Chadwick, Weber, Aguillo and Estrada. "NAYS": None. ABSTAIN: None. ABSENT: None. Motion carried.

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53 **ITEM 8. Unfinished Business:** None

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55 There being no further business the Planning Commission with a motion to adjourn made by Westphal  
56 and seconded by Gompert the meeting was adjourned at 6:10 p.m. "YEAS": Zitterkopf, Huber, Westphal,  
57 Gompert, Wayman, Chadwick, Weber, Aguallo and Estrada. NAYS: none. ABSENT: None Motion  
58 carried.

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61 \_\_\_\_\_  
Becky Estrada, Vice Chairperson

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63 Attest: \_\_\_\_\_

64 Gary Batt

# **City of Scottsbluff, Nebraska**

**Monday, September 11, 2017**

**Regular Meeting**

## **Item NewBiz1**

### **Final Plat Lots 1-2 Block 30, North Scottsbluff Addition**

**Staff Contact:**

# *SCOTTSSLUFF CITY*

## *PLANNING COMMISSION STAFF REPORT*

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**To:** Planning Commission  
**From:** Development Services Department  
**Date:** September 11, 2017  
**Subject:** Final Plat Lots 1-2, Block 30 North Scottsbluff Addition  
**Location:** 2101 & 2117 Broadway

**Zoning: C-1**  
**Property Size:** .311 acres

### Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

**Public Notice:** This item was noticed in the paper and a notice was posted on the property.

### Background

The applicant(s), Justin Schlager, represented by Panhandle Land Surveying, has requested approval of a Final Plat of Lots 1-2, Block 30, North Scottsbluff Addition. The property is situated north of 21<sup>th</sup> St, on the east side of Broadway. The property has never been platted and is currently identified as tax lots. The plat would create two lots of different sizes. Both properties have access to streets, water, and sewer. There is no minimum lot size or minimum lot width in the C-1 zoning district. Staff recommends approval of the final plat.

### RECOMMENDATION

#### *Approve*

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the final plat of Lots 1-2, Block 30, North Scottsbluff Addition, City of Scottsbluff, Nebraska subject to the following condition(s):

#### *Deny*

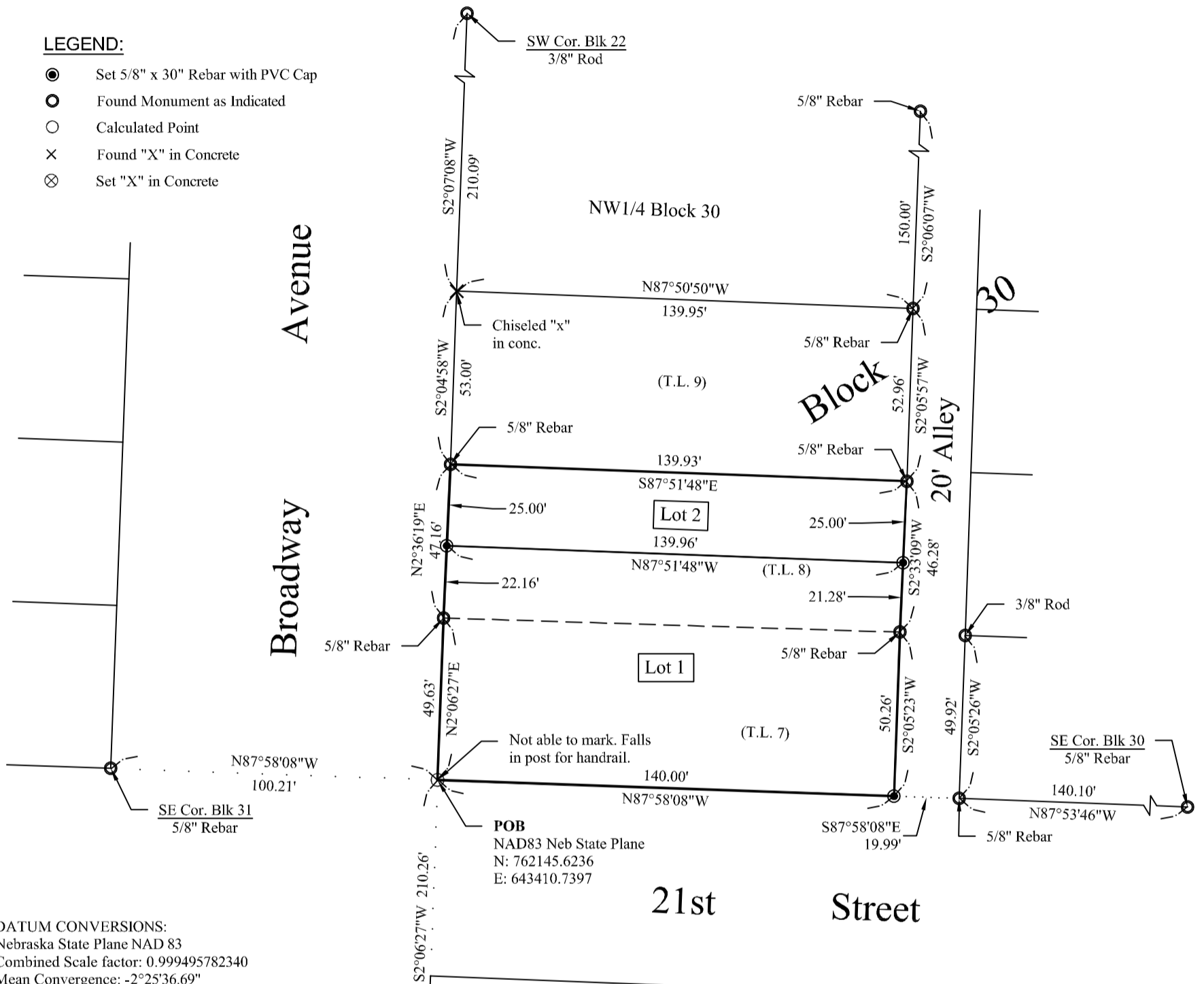
**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the final plat of Lots 1-2, Block 30, North Scottsbluff Addition, City of Scottsbluff, Nebraska for the following reason(s):

#### *Table*

**Make the motion to TABLE** the final plat of Lots 1-2, Block 30, North Scottsbluff Addition, City of Scottsbluff, Nebraska for the following reason(s):

**LEGEND:**

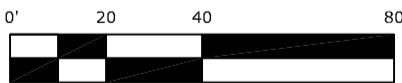
- Set 5/8" x 30" Rebar with PVC Cap
- Found Monument as Indicated
- Calculated Point
- × Found "X" in Concrete
- ⊗ Set "X" in Concrete



DATUM CONVERSIONS:  
 Nebraska State Plane NAD 83  
 Combined Scale factor: 0.999495782340  
 Mean Convergence: -2°25'36.69"



SCALE: 1" = 40'



See Sheet 2 of 2 for Legal Description, Owners Statement, and Approval and Acceptance.

**SURVEYOR'S CERTIFICATE:**

I, Donald A. Brush, Nebraska Registered Land Surveyor Number 511, do hereby certify that, between July 20, 2017, and July 21, 2017, the tract described and shown on the accompanying drawing was surveyed by me or under my direct supervision; that the accompanying drawing is a correct delineation of said survey drawn to a scale of 40 feet to the inch; that the distances are earth-surface distances given in feet and decimals of a foot; that the bearings are Nebraska State Plane Grid bearings based on GPS RTK measurements; that the area is as shown; and that the monuments were found or set as indicated.

WITNESS MY HAND AND SEAL this 17th day of August, 2017.  
 Donald A. Brush  
 Nebraska Registered Land Surveyor Number 511

Job No.: 2017-25 Drawn by: NAB / Checked by: DAB Client Name: Schlager, Justin

Date: Aug 2017 Sheet No.: 1 of 2

**Panhandle Land Surveying**  
 Donald A. Brush, Registered Land Surveyor  
 870 SB Road, Morrill, Nebraska, 69358  
 Phone: (308) 247-2602

**Plat of Lots 1 & 2**  
 Subdivision in the SW1/4 of Block 30,  
 North Scottsbluff Addition, Scottsbluff,  
 Scotts Bluff County, Nebraska.

Copyright 2017

**LEGAL DESCRIPTION:**

Part of the Southwest Quarter (SW1/4) of Block 30, North Scottsbluff Addition, Scottsbluff, Scotts Bluff County, Nebraska, more particularly described as follows:

Beginning at the intersection of the northerly right-of-way (ROW) line of 21st Street and the easterly ROW line of Broadway said point being the POINT OF BEGINNING of this description; thence N2°06'27"E on said easterly ROW line a distance of 49.63 feet; thence continuing on said easterly ROW line N2°36'19"E a distance of 47.16 feet to the intersection of the said easterly ROW line of Broadway and the south line of Tax Lot 9; thence S87°51'48"E on said south line a distance of 139.93 feet to the intersection of said south line and the westerly line of alley; thence S2°33'09"W on said westerly line a distance of 46.28 feet; thence continuing on said westerly line S2°05'23"W a distance of 50.26 feet to the intersection of said westerly line and said northerly line of 21st Street; thence N87°58'08"W on said northerly line a distance of 140.00 feet to the point of beginning, containing 0.311 acres, more or less.

**OWNER'S STATEMENT:**

The undersigned, being the owner of the tract of land described in the foregoing "Legal Description" and shown on the accompanying plat have caused such real estate to be platted as:  
"PLAT OF LOTS 1 & 2, SUBDIVISION IN THE SW1/4 OF BLOCK 30, NORTH SCOTTSBLUFF ADDITION, SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA"

The foregoing plat is made with our free consent and in accordance with the desires of the undersigned owner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Owner:  
Xtreme Dents LLC

\_\_\_\_\_  
Justin Schlager, sole member

Acknowledgement:

State of Nebraska        )  
                                  )    ss.  
County of Scotts Bluff    )

Before me, a Notary Public, qualified and acting in said County, personally came Justin Schlager, sole member of Xtreme Dents LLC, know to me to be the identical person who signed the foregoing "Owner's Statement" and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

My commission Expires: \_\_\_\_\_

**APPROVAL AND ACCEPTANCE:**

The foregoing plat of "PLAT OF LOTS 1 & 2, SUBDIVISION IN THE SW1/4 OF BLOCK 30, NORTH SCOTTSBLUFF ADDITION, SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA", was approved by the Mayor and City Council of the City of Scottsbluff, Nebraska, by Resolution duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
Randy Meininger, Mayor

Attested: \_\_\_\_\_  
City Clerk

State of Nebraska        }  
County of Scotts Bluff    }

Before me, a Notary Public, qualified and acting in said County, personally came Randy Meininger, Mayor of the City of Scottsbluff, Nebraska, known to me to be the identical person who signed the foregoing "Approval and Acceptance" and acknowledged the execution thereof to be his voluntary act and deed.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

My Commission Expires: \_\_\_\_\_

See Sheet 1 of 2 for  
Surveyor's Certificate.

Job No.: 2017-25    Drawn by: NAB / Checked by: DAB    Client Name: Schlager, Justin

Date: Aug 2017

Sheet No.: 2 of 2

**Panhandle Land Surveying**  
Donald A. Brush, Registered Land Surveyor  
870 SB Road, Morrill, Nebraska, 69358  
Phone: (308) 247-2602  
Copyright 2017

**Plat of Lots 1 & 2**  
Subdivision in the SW1/4 of Block 30,  
North Scottsbluff Addition, Scottsbluff,  
Scotts Bluff County, Nebraska.



**City of Scottsbluff, Nebraska**  
**Monday, September 11, 2017**  
**Regular Meeting**

**Item NewBiz2**

**Plat and Dedication of a Portion of East 9th St**

**Staff Contact:**

# *SCOTTSBLUFF CITY*

## *PLANNING COMMISSION STAFF REPORT*

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**To:** Planning Commission  
**From:** Development Services Department  
**Date:** September 11, 2017  
**Subject:** Plat and Dedication of a Portion of East 9<sup>th</sup> St  
**Location:** E 9<sup>th</sup> St and 14<sup>th</sup> Ave

**Zoning:** N/A  
**Property Size:** .13 acres

### Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

**Public Notice:** This item was noticed in the paper and a notice was posted on the property.

### Background

A few months ago there was some confusion because this portion of E. 9<sup>th</sup> St was never actually dedicated to the City as right-of-way. After doing some research, it was determined that it is City-owned property. In order to avoid confusion about whether this is a parcel or public right-of-way, the City is now formally dedicating it as part of East 9<sup>th</sup> Street.

### RECOMMENDATION

#### *Approve*

**Make a POSITIVE RECOMMENDATION to the City Council to approve** the plat and dedication of a portion of East 9<sup>th</sup> St, situated in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 25, Township 22 N, Range 55 W of the 7<sup>th</sup>, P.M., City of Scottsbluff, Nebraska subject to the following condition(s):

#### *Deny*

**Make a NEGATIVE RECOMMENDATION to the City Council to disapprove** the plat and dedication of a portion of East 9<sup>th</sup> St, situated in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 25, Township 22 N, Range 55 W of the 7<sup>th</sup>, P.M., City of Scottsbluff, Nebraska for the following reason(s):

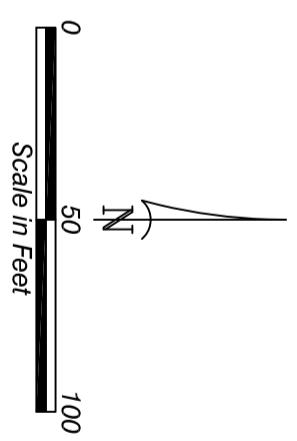
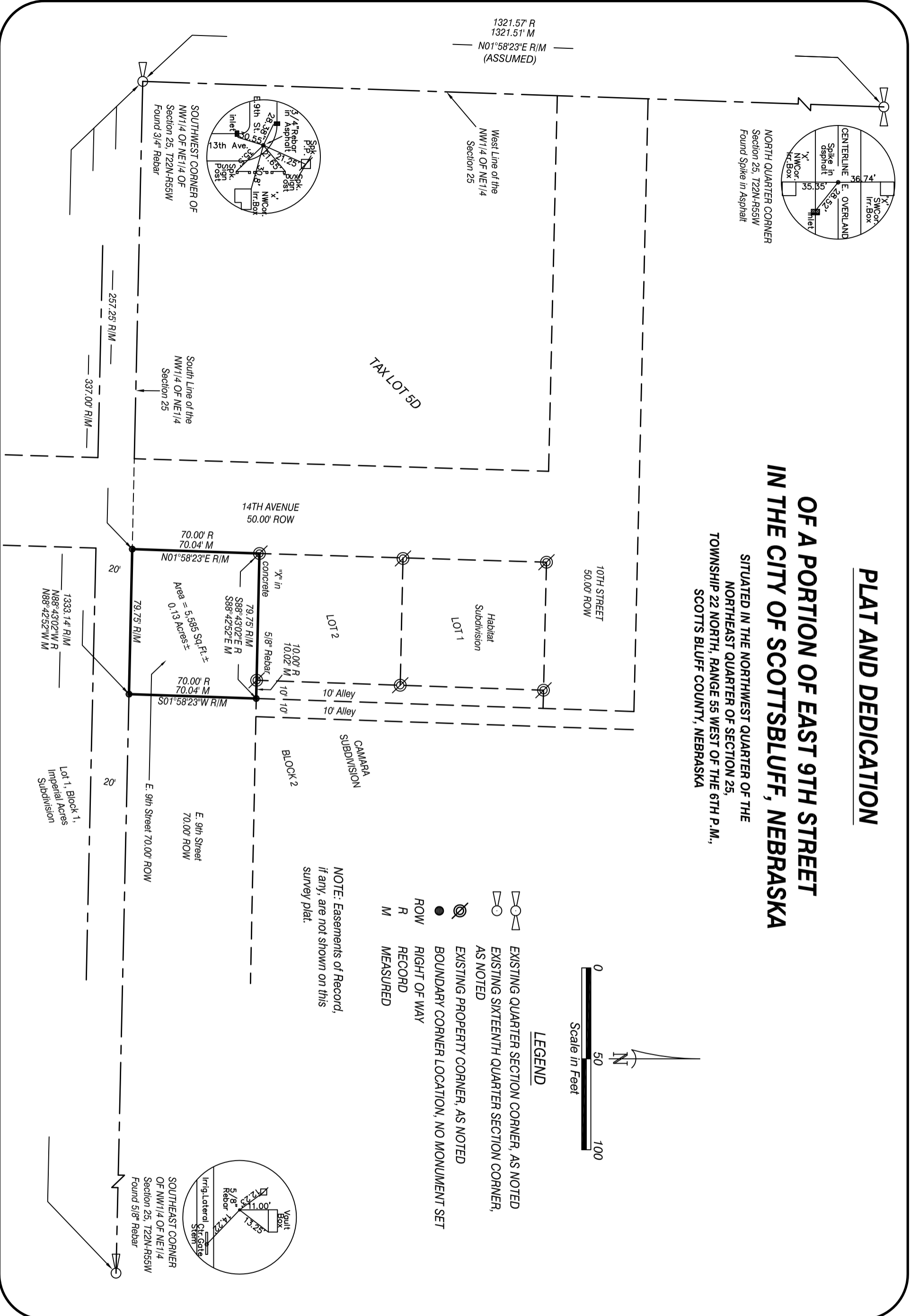
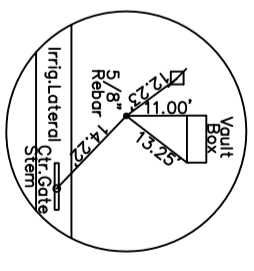
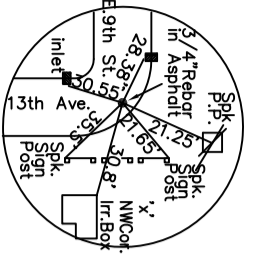
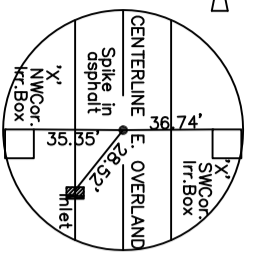
#### *Table*

**Make the motion to TABLE** the plat and dedication of a portion of East 9<sup>th</sup> St, situated in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 25, Township 22 N, Range 55 W of the 7<sup>th</sup>, P.M., City of Scottsbluff, Nebraska for the following reason(s):

# PLAT AND DEDICATION

## OF A PORTION OF EAST 9TH STREET IN THE CITY OF SCOTTSBLUFF, NEBRASKA

SITUATED IN THE NORTHWEST QUARTER OF THE  
NORTHEAST QUARTER OF SECTION 25,  
TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M.,  
SCOTTS BLUFF COUNTY, NEBRASKA



- LEGEND**
- EXISTING QUARTER SECTION CORNER, AS NOTED
  - EXISTING SIXTEENTH QUARTER SECTION CORNER, AS NOTED
  - EXISTING PROPERTY CORNER, AS NOTED
  - BOUNDARY CORNER LOCATION, NO MONUMENT SET
  - ROW RIGHT OF WAY RECORD MEASURED

NOTE: Easements of Record,  
if any, are not shown on this  
survey plat.

SURVEYOR'S CERTIFICATE

I, Dennis P. Sullivan, a Nebraska Registered Land Surveyor, hereby certify I, or under my direct supervision, have surveyed a Tract of land situated in the Northwest Quarter of the Northeast Quarter of Section 25, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows:

With the assumed basis of bearing being N01°58'23"E, (record and measured) on the west line of the Northwest Quarter of the Northeast Quarter of Section 25, and beginning at the Southwest Corner of Lot 2, Habitat Subdivision, as monumented by a chiseled "X" in concrete, thence easterly on the south line of said Lot 2, on a line being parallel with the south line of the Northwest Quarter of the Northeast Quarter of Section 25, bearing S88°42'52"E measured (S88°43'02"E record), a distance of 79.75 feet (record and measured) to the point of intersection with the center of a 20 foot alley and the southwest corner of Block 2, Camara Subdivision, as platted, thence southerly bearing S01°58'23"W (record and measured) on a line being parallel with the west line of the Northwest Quarter of the Northeast Quarter of Section 25, a distance of 70.04 feet measured (70.00 feet record), to the point of intersection with said south quarter section line, thence westerly on said south quarter section line, bearing N88°42'52"W measured (N88°42'52"W record), a distance of 79.75 feet (record and measured), thence northerly on a line being parallel with the west line of said Quarter Section line, bearing N01°58'23"E, a distance of 70.04 feet measured (70.00 feet record), to the Point of Beginning, said tract of land containing an area of 0.13 Acres, more or less.

That the accompanying plat is a true delineation of said survey drawn to a scale of 50 feet to the inch. That all dimensions are in feet and decimals. That all streets shown be dedicated for the use and benefit of the public. That all corners found or set are marked as shown.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.  
FOR THE FIRM OF M. C. SCHAFF AND ASSOCIATES, INC.

\_\_\_\_\_  
Dennis P. Sullivan, Nebraska Registered Land Surveyor, L. S. 562

OWNER'S STATEMENT

We, the undersigned, being the owners of that land as described in the foregoing 'Surveyor's Certificate' and shown on the accompanying plat have caused such real estate to be platted as a portion of East 9th Street, in the City of Scottsbluff, Nebraska, situated in the Northwest Quarter of the Northeast Quarter of Section 25, Township 22 North, Range 55 West of the 6th P.M.. Scotts Bluff County, Nebraska

That the foregoing plat is made with the free consent and in accordance with the desires of the undersigned owners. We hereby dedicate the street for the use and benefit of the public.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: City of Scottsbluff, Scotts Bluff County, Nebraska  
a Municipal Corporation

\_\_\_\_\_  
By: Randy Meininger, Mayor

ACKNOWLEDGEMENT

STATE OF NEBRASKA )  
COUNTY OF SCOTTS BLUFF )

Before me, a Notary Public, qualified and acting in said County, personally came Randy Meininger, Mayor of the City of Scottsbluff, Nebraska, to me known to be the identical person whose signature is affixed to the foregoing `Owner's Statement' and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of the City of Scottsbluff, Scotts Bluff County, Nebraska

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

APPROVAL AND ACCEPTANCE

The foregoing plat of a portion of East 9th Street in the City of Scottsbluff, Nebraska, situated in the Northwest Quarter of the Northeast Quarter of Section 25, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, is hereby approved and accepted by the Mayor and City Council of the City of Scottsbluff, Scotts Bluff County, Nebraska, by resolution dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
By: Randy Meininger, Mayor

\_\_\_\_\_  
Attest: City Clerk

**City of Scottsbluff, Nebraska**  
**Monday, September 11, 2017**  
**Regular Meeting**

**Item NewBiz3**

**Comprehensive Plan Amendment**

*Amend Parks and Recreation section of Comp Plan to include proposed improvements to 23 Club facilities.*

Staff Contact:



*SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report*

**To:** Planning Commission  
**From:** Development Services Department  
**Date:** September 11, 2017  
**Subject:** Comprehensive Plan Amendment  
**Location:**

It has been brought to the City's attention that the current Comprehensive Plan does not address the City's competition fields. Feedback from the public has indicated that there are improvements needed in order to provide a more comfortable space for spectators and visiting teams, ensuring that competitions and tournaments continue to be held in Scottsbluff. This will also help support the local economy as visiting teams support restaurants and lodging establishments.

During the public input process for the City's current Comp plan, there were several comments made pertaining to the importance of adequate restroom facilities and structures to protect from the weather. These were stated as essential amenities for families with children in particular.

**RECOMMENDATION**

**Approve**

**Make the motion to give a POSITIVE recommendation for the Amendment to the Parks, Recreation, and Public Facilities section of the Comprehensive Plan to the City Council subject to the following condition(s):**

**Deny**

**Make the motion to give a NEGATIVE recommendation for the Amendment to the Parks, Recreation, and Public Facilities section of the Comprehensive Plan to the City Council for the following reason(s):**

**Table**

**Make the motion to TABLE Amendment to the Parks, Recreation, and Public Facilities section of the Comprehensive Plan to the City Council for the following reason(s):**

## Appendix 5: Parks, Recreation and Public Facilities

### GOALS

#### ***Provide adequate opportunities for exercise and recreation to residents***

The City should do everything it can to encourage and provide opportunities for a healthy lifestyle for all residents. Numerous recreational opportunities should be provided in the park system. These recreational opportunities should be varied enough to serve residents of all different age ranges and physical abilities.

#### ***Provide high quality recreation facilities for local sports leagues and regional tournaments***

Competition fields should be well maintained and have sufficient features to attract visiting teams to the area, supporting tourism and the local economy. The City should consider ensuring that all its baseball/softball fields and the soccer complex have ADA accessible restrooms, adequate capacity restrooms, changing areas, and space for concessions. In addition, improvements to parking and access should be considered to improve traffic flow and ensure safety for pedestrians. Shade structures, seating, trees, and plantings should be considered as ways to make spectators more comfortable.

#### ***Provide recreational opportunities year round***

One of the most common comments that was received through the open house process was that the City lacks recreational opportunities in the winter. Many residents commented that they utilize the parks often, but wish that there were indoor play areas or places to recreate so that they would have a way to stay active when the weather is not conducive to using the outdoor parks.

#### ***Provide equitable recreation opportunities in every area of the City***

Parks should be distributed across the City as evenly as possible to ensure that all residents have recreational opportunities within walking distance.

#### ***Parks and all park features should be well maintained and safe***

Residents should feel comfortable taking their families to the City's parks. Well-maintained public spaces also increase the value of nearby properties. Parks should have an attractive appearance, and all playground equipment or other features should be well-maintained to ensure that it is safe for the public.

#### ***Parks and public spaces should consider low water use, sustainable alternatives for landscaping***





There are many areas in our parks that should remain in turf grass. Not all residents have access to their own yard, especially those in multi-family housing, and the parks provide a great outdoor space for these residents and their families. However, there are some areas in our parks that are not used for recreation that could be landscaped using plants that are native or well-adapted, which would cut down on water use and also require less mowing, fertilizing, and spraying. While there is an initial cost to install such landscapes, over time the reduced inputs, especially labor inputs, will start paying back. This should especially be considered in areas like center medians or near the street where the City does not want residents to linger because of traffic.

***Provide a Library facility that can accommodate educational, civic, and recreational activities***

Looking to the future, the library will continue to focus on literacy, education and technology. The recent upgrades to the facility have enabled the library to be very successful with programming for youth. In the future, the library will continue to work to keep up with technology needs of the public as well as to serve as the “community’s living room,” a place where the members of the community can come together formally or informally for educational or recreational activities.

***Continue to provide Police and Fire facilities that enable the departments to equitably serve the entire community***

The police and fire departments began to be housed in the same facility in the Public Safety building in 2011. This facility serves both departments well but in the future considerations should be made for additional storage for both departments and for training facilities for the Fire Department.

***Provide City Offices that provide adequate space and accessibility to carry out city functions and for residents to participate in civic processes***

City offices should be accessible to the public for activities such as bill payments and building permits. It should also serve as a meeting place for public hearings and public meetings, providing a space where residents can engage with public officials and City staff.

**PARKS AND RECREATION**

The Scottsbluff Parks Department currently maintains parks and recreation facilities throughout town, including neighborhood parks, ball fields, aquatic facilities, the cemetery, and bike pathways. These facilities are shown in the map of park and recreation facilities below.

One of the overall goals is to ensure that every neighborhood has equitable access to community parks. As shown in the map of walking distance to parks below, there are certain areas, particularly north of Highway 26, that are underserved by park facilities. In addition, several residents have expressed a desire for an indoor recreation facility that would provide space for indoor soccer, volleyball, basketball, etc. In the future, a Parks and Recreation Master Plan should be developed to determine the best locations for future parks and to consider the need for additional recreational facilities. While it is important to add recreational facilities that will better serve residents, it is imperative that the Parks Department be given the additional funding and staff necessary to maintain these facilities.

## CAPITAL IMPROVEMENTS

For the department's existing facilities, the following have been identified by community members and staff as needed improvements:

- All Parks
  - Expand landscaping, with a focus on tree planting and well-designed landscaped areas that utilize a minimum amount of irrigation water
- Riverside Park
  - Expand services at Campground (more pads w/water, sewer, and electrical hookups)
  - Install restrooms and laundry facility at Campground
  - Expand irrigation system
  - Fix and/or replace sections of pathway that have been damaged by flood events
  - Roads could be paved to eliminate dust
  - Area around ponds could be cleaned up to make them more attractive and useable
  - Potential for additional recreational opportunities, such as lookout towers and floating docks in the west ponds
- Soccer Complex
  - Restroom facilities needed
- Lacy Park
  - Septic system needs expanded to handle the amount of wastewater currently generated
- Westmoor Park
  - Build splash pad
  - Expand aquatic opportunities at Westmoor Pool
- Northwood Park and Frank Park
  - More playground equipment
  - Build splash pad
- 23 Club Baseball/Softball Complex
  - Replace clubhouse/concessions building
  - New shade structures and seating throughout facility
  - Install landscaping and irrigation
- Lacy Park
  - New septic system needed for restrooms



# **City of Scottsbluff, Nebraska**

**Monday, September 11, 2017**

**Regular Meeting**

## **Item NewBiz4**

### **Ordinance Change Chapter 21 Subdivision Code and Chapter 6 Fees**

*Amend subdivision code to change the way runoff from new development is managed. Impose impact fee for development which creates additional runoff.*

**Staff Contact:**



*SCOTTSBLUFF  
PLANNING COMMISSION  
Staff Report*

**To:** Planning Commission  
**From:** Stormwater Department  
**Date:** September 11, 2017  
**Subject:** Stormwater Post-Construction Ordinances and Related Amendments

Currently, the City requires all new subdivisions to install stormwater retention basins on-site. After installation, the developers are also required to maintain these facilities in perpetuity. This has proven to be very impractical and difficult to enforce, as it is very unappealing for developers to sacrifice developable land for stormwater facilities, and once the lots have been sold off, the developer does not want to remain responsible for the ongoing maintenance of the facilities. Previously, developers' agreements have stated that homeowners associations will be created to fund the ongoing maintenance of stormwater facilities; however, in practice, these associations have not been established, leaving no entity to take responsibility for the stormwater facilities. In addition, many other communities that have attempted similar requirements have had issues with the responsible entity ceasing to pay taxes on the parcel that houses the stormwater facility, so the responsibility of maintaining the facility will then fall back on the City. The City is also facing new regulatory requirements that ultimately hold the City responsible for ensuring that adequate maintenance is performed on all of these facilities; this is extremely difficult to accomplish when these facilities are privately owned.

In order to alleviate the burden on developers to build and maintain stormwater treatment facilities, and to relieve the City of the challenge of enforcing maintenance requirements on private property owners, City staff is proposing that from now on, when property is developed or redeveloped, resulting in increased stormwater runoff, that runoff should be routed to City facilities. The City will install and maintain these facilities in perpetuity. In order to fund this, an impact fee will be charged for any new impervious cover (streets, driveways, buildings, etc.) that is installed. This will be a one-time fee that is charged any time a building permit or paving permit is issued. The paving permit will be established to allow the City to track and charge an impact fee for any new paving of over 1,000 square feet. This will better allow the City to accommodate the increased runoff from large paving projects throughout the City. Regular maintenance activities on existing pavement (overlays, repair, etc.) will not be required to pay an impact fee. This will also allow the City to fulfill the requirements of its NPDES permit by ensuring that they have access to and control over all future retention facilities, allowing them to ensure regular maintenance is performed.

**RECOMMENDATION**

***Approve***

**Move to recommend approval of the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6, Article 6; and Chapter 21, Article 1, Sections 39 and 52 with the following conditions:**

**Move to recommend denial of the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6, Article 6; and Chapter 21, Article 1, Sections 39 and 52 for the following reasons:**

**Move to table recommendation on the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6, Article 6; and Chapter 21, Article 1, Sections 39 and 52 for the following reasons:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, PROVIDING FOR A NEW PAVING PERMIT REQUIREMENT ADDED TO CHAPTER 4, ARTICLE 11 OF THE CODE, ALSO AMENDING THE SUBDIVISION REQUIREMENTS IN CHAPTER 21 OF THE CODE, AMENDING THE BUILDING PERMIT REQUIREMENTS FOUND AT ARTICLE 6 CHAPTER 6 AND AMENDING SECTION 6-6-2 RELATING TO BUILDING PERMITS AND ADDING ARTICLE 4 TO CHAPTER 24 RELATED TO POST-CONSTRUCTION DESIGN STANDARDS FOR STORM WATER AND STORM WATER POLLUTION CONTROL, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 4 of the Scottsbluff Municipal Code is amended by adding the new Article 11 as follows:

“Chapter 4, Article 11. Paving Permit

4-11-1 Paving Permit

A paving permit is required for the addition or replacement of 1,000 square feet (100 feet by 10 feet) or more of paving. Re-surfacing existing paving does not require a paving permit. If removing existing paving and replacing it, a paving permit is required once the 1,000 square foot limit is reached. Paving activity will be included as part of a building permit, a separate paving permit will not be required.

1. Pavement is a hard surface that slows down or prevents stormwater from seeping into the soil. Areas considered pavement include, but are not limited to:

- Parking lots
- Walkways
- Patios
- Driveways
- Storage areas

Section 2. Chapter 6, Article 6 of the Scottsbluff Municipal Code is amended by amending Section 6-6-2 and adding additional language, repealing the existing language in Section 6-6-2 to provide as follows:

“6-6-2. Building Permit.

(1) The fees for a permit for the construction or alteration of a building or structure, and for an incidental certificate of occupancy shall be as follows:

<u>New Construction</u>		<u>Cost</u>	<u>Fee</u>
Commercial	First	\$1,000	\$80.00
	Excess		\$5.00 per \$1,000 or part thereof
\$1.50 per square foot of impervious surface to be constructed			
All other	First	\$1,000	\$30.00
	Excess		\$5.00 per \$1,000 or part thereof
\$1.50 per square foot of impervious surface to be constructed			

(2) Definitions.

Any term used in this Article which is defined in Chapter 25, Article 2 of the municipal code shall, for the purpose of this Article, bear the meaning assigned to it in Chapter 25, Article 2. As used in this Article, the following terms have the following meaning:

- a. Commercial means any construction for use other than (1) a single or two family dwelling, or (2) a use accessory to a single or two family dwelling.

- b. Cost means the estimated cost of construction determined as provided elsewhere in this section.
- c. Excess means the estimated cost in excess of one thousand dollars (\$1,000.00).
- d. Impervious Surface is any surface in the landscape that cannot effectively absorb or infiltrate rainfall. This includes, but is not limited to, driveways, streets, parking lots, rooftops and sidewalks.

(3) Determination of cost for the purposes of this section the estimated cost of construction shall be calculated as follows:

- a. For commercial construction: one hundred fifty dollars (\$150.00) per square foot of improvement.
- b. For one and two family dwellings: one hundred dollars (\$100.00) per square foot of improvement.
- c. For detached garages: fifteen dollars (\$15.00) per square foot of improvement.
- d. For fences, roof repair or replacement, carports and sheds of a size less than two hundred square feet, and for the removal of a building or structure, the reasonable, good faith estimate of the applicant for the permit.

Section 3. Chapter 21 of the Scottsbluff Municipal Code is amended to include new provisions found at Sections 39 and 52, which will amend and include post-construction design standards and procedures to aid in storm water pollution prevention, to read as follows:

**“Chapter 21, Article 1: Subdivision Drainage Code Revision.  
21-1-39 Drainage System; required; standards.**

- (1) An adequate system to control the adverse impacts associated with increased storm water runoff shall be constructed.
- (2) Site grading and drainage for all sites shall be designed to prevent storm water from outside of the design area from entering the area.
- (3) All conveyance systems for proposed projects shall be analyzed, designed and constructed for existing tributary off-site runoff and developed on-site runoff from the proposed project. Conveyance systems in residential areas shall be designed to carry a 2-year intensity storm. A 10-year intensity storm shall be used to check the hydraulic grade of the pipe system. The hydraulic grade line shall be limited to 5 inches of water in the gutter.
- (4) In commercial and industrial areas, the design storm intensity shall be a storm of 5-year frequency, the check intensity for hydraulic grade calculations shall be a 10-year frequency with the hydraulic grade limited to the gutter evaluation.

**21-1-52 Preliminary plat; contents.**

The preliminary plat shall be drawn to scale of not less than one (1) inch to the one hundred (100) feet.

It shall contain the following drawings and information:

- (1) legal description, acreage and name of the proposed subdivision,
- (2) name and address of the owner, name of the person who prepared the plat, and date,
- (3) north point and graphic scale,
- (4) contours at five (5) foot intervals,
- (5) sketch map showing relationship of the subdivision site to the surrounding area,
- (6) names of adjoining subdivisions and streets,
- (7) location of existing lot lines, streets, public utility easements, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision,
- (8) layout of proposed blocks and lots, including the dimensions of each, the block and lot numbers in numerical order, and building setback lines,
- (9) locations, widths, other dimensions and names of proposed streets, alleys, roads, easements, parks and other open spaces or reserved areas,
- (10) grades of proposed streets and alleys, which shall refer to and include a permanent

bench mark extended from the Base Survey Bench Mark,  
(11) the present zoning classification of the land to be subdivided and of the adjoining land,  
and

(12) drainage report; to include at a minimum:

- (a) proposed routes to municipal owned STFs and/or retention facilities,
- (b) the estimated amount of impervious cover, including proposed roadways, parking, building footprints, and other structures,
- (c) the estimated amount of runoff to be mitigated off-site at regional facilities (Regional STFs) or addressed by other means approved by the City,
- (d) Site topography including existing contours, property lines and easements, utilities, and site features such as existing water bodies, trees and shrubs, pavement and other structures,
- (e) proposed contours, and
- (f) proposed inlets, storm sewer, culverts, and drainageways.

The preliminary plat of a subdivision within, or proposed to be included within, the City shall show, in addition:

- (a) a cross-section of the proposed streets showing width of roadway, location and type of curb and gutter, paving, where required, and sidewalks to be installed, and
- (b) the layout and grades of proposed water mains, sewers, drains, power lines, and other utilities. The arrangement and design of the features shown in the preliminary plat shall comply with the requirements in the preceding sections of this Article.

In addition to submitting the drawing, the applicant shall electronically submit the plat containing the information described above in AutoCAD drawing format, latest version.

Information relating to plat datum to state plane coordinates shall be provided on the plat so that the plat can be included in the City of Scottsbluff and County of Scotts Bluff GIS data. Each entity shall be responsible for adding the data to the GIS. For plats less than 20 acres, the Point of Beginning of the plat shall be referenced to State Plane Coordinates. The datum shall be NAD 83 (in feet), or the current datum adopted by the City at the time of plat submittal. Information on existing monuments that have established state plane coordinates can be obtained from the Scotts Bluff County Surveyor. The reference can be in the form of a note on the plat that includes a description of the reference point, the coordinates in feet, and the average scale factor. For plats larger than 20 acres the Point of Beginning and one additional point at the opposite corner of the Point of Beginning shall be referenced to State Plane Coordinates. The reference can be in the form of a note on the plat that includes a description of the reference points, coordinates in feet, and the average scale factor. The applicant shall also submit one paper copy of the preliminary plat on a sheet not to exceed 11"x17".

Section 4. Chapter 24 of the Scottsbluff Municipal Code is amended to include new Article 4 which will amend and include post-construction design standards and procedures to aid in storm water pollution prevention, to read as follows:

**“Chapter 24, Article 4: Post-Construction Design Standards and Procedures.  
24-4-1 Purpose/Intent:**

The post construction program addresses water quantity, potential flood, and water quality issues. The following policies help meet the requirements of the City’s National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit and promote sustainable watershed management policies. The framework includes establishment of minimum treatment and design standards, submittal and review process procedures, fees as provided for in Chapter 6, Article 6, as well as maintenance, inspection and enforcement protocol.

**24-4-2 Applicability:**

Post construction storm water program requirements shall be applicable to all construction activity and land developments requiring; including, but not limited to site plan applications, subdivision applications, building applications, and right-of-way applications from the City, unless exempt below.

This Article applies to:

- (a) the City of Scottsbluff’s Extraterritorial Zoning Jurisdiction,
- (b) to all re-development and additions creating more than 1,000 square feet of impervious area than what previously existed,



(c) to all portions of any common plan of development or sale which would cause the disturbance of at least one acre of soil even though multiple, separate and distinct land development activities may take place at different times on different schedules.

The following activities are exempt from this Article:

- (1) Any emergency activity that is necessary for the immediate protection of life, property, or natural resources,
- (2) Construction activity that provides maintenance and repairs performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility,
- (3) Agricultural buildings.

#### **24-4-3 Additional Definitions**

*70<sup>th</sup> Percentile Rain Event:* A rainfall storm event equivalent to a depth of rainfall which is not exceeded in 70 percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified using local precipitation data. The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

*80<sup>th</sup> Percentile Rain Event:* A rainfall storm event equivalent to a depth of rainfall which is not exceeded in 80 percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified using local precipitation data. The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

*Best Management Practices "BMPs":* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems.

To avoid confusion with temporary and permanent BMPs used during construction; best management practices associated with the post construction storm water management program shall be referred to as storm water treatment facilities "STFs".

*Builder:* shall mean the general contractor responsible for permitting, payment of fees and constructing a structure and associated construction activity.

*Common Plan of Development or Sale:* A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan which may include, but is not limited to, any announcement or piece of documentation (including a preliminary or final plat, sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

*Construction Activity:* Such activities include but are not limited to clearing and grubbing, grading, excavating, demolition and other land disturbing actions.

*Construction Site:* Any location where construction activity occurs.

*Contractor:* Any person performing or managing construction work at a construction site, including, but not limited to, any construction manager, general contractor or subcontractor, and any person engaged in any one or more of the following: earthwork, pipe work, paving, building, plumbing, mechanical, electrical, landscaping or material supply.

*Clearing:* Any activity that removes the vegetative surface cover.

*Drainage Design Guidance or Manual:* Documentation that references design criteria and guidance suggested by the City for storm water management.

*Disturbed Area:* Area of the lands surface disturbed by any work or activity upon the property by means including, but not limited to, grading; excavating; stockpiling soil, fill, or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. Disturbed area does not include the tillage of land that is used for agricultural production.

*Earthwork:* The disturbance of soil on a site associated with construction activities.

*EPA - Environmental Protection Agency:* an independent federal agency, created in 1970, that sets and enforces rules and standards that protect the environment and control pollution.

*Final Drainage Plan:* A plan that indicates the characteristics of the complete project. The plan will also indicate the future conditions post construction. STFs will be maintained under.

*Grading:* Excavation or fill of material, including the resulting conditions thereof.

*Impervious Surface:* Any surface in the landscape that cannot effectively absorb or infiltrate rainfall. This includes, but is not limited to, driveways, streets, parking lots, rooftops and sidewalks.

*Municipal Separate Storm Sewer System "MS4":* City owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage ditches/channels, reservoirs, and other drainage structures.

*Land Development:* Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

*MS4 Boundary:* The boundary defined by the city boundary that is subject to the requirements of the MS4 program. In no instance shall the MS4 boundary be less inclusive than the Urbanized Area map boundary prepared by the U.S. Census Bureau, the minimum boundary adopted by the EPA for Phase II communities as part of the MS4 program.

*National Pollutant Discharge Elimination System "NPDES" Storm Water Discharge Permit:* A permit issued by the EPA (or by a State under authority delegated pursuant to 33 U.S.C. § 1342(b) i.e. Nebraska Department of Environmental Quality) that authorizes the discharge of pollutants to waters of the State.

*Owner:* The person who owns a facility, development, part of a facility, or land.

*Person:* Means any individual, association, organization, partnership, firm, corporation, cooperative, limited liability company or other entity recognized by law.

*Pollutant:* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; wastes and residues that result from mobile washing operations; and noxious or offensive matter of any kind.

*Pollution:* The presence in waters of the State of any substances, contaminants, pollutants, or manmade or man induced impairment of waters or alteration of the chemical, physical, biological, or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

*Post Construction Storm water Management*: Permanent storm water management for a site that controls storm water runoff for a set duration after a storm. The management of storm water includes the use of STF's that meet minimum site performance standards in accordance with the city's MS4 permit. STF's are intended to provide storm water treatment during this time period and are considered functional after vegetation has been established.

*Post Construction Storm water Management Plan*: Documentation supporting analysis, design, maintenance and inspection of STF's installed on a site in order to meet minimum site performance standards in accordance with the city's MS4 permit.

*Receiving Water*: Any water of the State of Nebraska, including any and all surface waters that are contained in or flow in or through the State of Nebraska, all watercourses, even if they are usually dry, irrigation ditches that receive municipal storm water, and storm sewer systems owned by other entities.

*Sediment*: Soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

*Site*: The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

*Storm water*: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

*Storm water Treatment Facilities "STFs"*: Permanent best management practices put in place to provide control and treatment of storm water runoff after construction activity for land development is complete. These facilities are physical in nature and sometimes referred to as "structural" BMPs.

*Subdivision*: Includes activities associated with the platting of any parcel of land into two or more lots and all construction activity taking place thereon.

*Utilities*: Infrastructure constructed to provide services that support land development such as water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

*Waters of the State*: Any and all surface and subsurface waters that are contained in or flow in or through the State of Nebraska. The definition includes all watercourses, even if they are usually dry.

#### **24-4-4 Requirements**

The City maintains minimum programmatic requirements for new and redevelopment projects that disturb one acre of soil or more within city limits. This collection of requirements is generally referred to as the Permanent Storm water Treatment for Post Construction program, available for review upon request. According to the Nebraska Department of Environmental Quality "NDEQ", five content areas must be satisfied according to Part IV.B.4 of the MS4 Permit. The five content areas include:

1. Minimum Site Performance Standards
2. Site Plan Review
3. Maintenance of Controls
4. Tracking Controls
5. Inspection and Enforcement

#### **24-4-4.1 Design Guidance**

The most recent versions of the following design guides and manuals are approved for general use in the design of STF's:

- City of Omaha, "Omaha Regional Storm water Design Manual – Chapter 8: Storm water Best Management Practices"
- City of Lincoln, "Drainage Criteria Manual - Chapter 8: Storm water Best Management Practices"
- NDOR, "Drainage and Erosion Control Manual – Chapter 3: Storm water

*Treatment within MS4 Communities”*

- Urban Drainage and Flood Control District (UDFCD), “Urban Storm Drainage Criteria Manual, Volume 3: Best Management Practices”

The designer is encouraged to adopt one design guide/manual for use on a project to the extent practicable.

**24-4-4.2 Impact Fee:** Impact fees pay for the construction, operation, and maintenance of municipal storm water treatment facilities (STFs) that manage the storm water runoff created by the increased impervious surfaces of new development. The specific fee is detailed in Chapter 6, Article 6: Permits Relating To Buildings and Construction (6-6-2).

**24-4-5 Platting and Site Plan Review**

Land development that meets the land disturbance criteria in this Article must address storm water runoff quality through the use of STFs. STFs shall be provided for in the drainage plan for any subdivision plat, annexation plat, development agreement, subdivision agreement or other local development plan.

**24-4-5.1 Procedures**

**A.) Platting:** For major subdivision applications drainage and post construction shall be discussed at the pre application conference. This would be followed by an initial review of the general design at the preliminary platting stage and detailed design carrying over into final design review.

The plat applicant shall identify in the drainage report:

- how the runoff will be routed to the City’s retention facilities
- the estimated amount of impervious cover
- the estimated amount of runoff to be mitigated off site at regional facilities (Regional STFs) or addressed by other means approved by the City.

**B.) Building Permits:** When seeking a building permit, the applicant will need to provide to the City the square footage of all impervious surfaces to be constructed on the lot.

**24-4-3.2 Submittals - Post Construction Storm water Management Plan (PCSMP)**  
Post Construction Storm water Management Plan (PCSMP) Submittal. The PCSMP submittal will include the following components:

- A.) Plans.** Plans showing topographic survey information along with proposed grading, storm water infrastructure (including routes to municipal STFs), pavement and structures shall accompany any PCSMP submittal. Specifically, plans shall include the following information:
- Site topography including existing contours, property lines and easements, utilities, and site features such as existing water bodies, trees and shrubs, pavement and other structures
  - Proposed contours
  - Proposed inlets, storm sewer, culverts, and drainageways
  - Proposed routes to municipal-owned STFs and/or detention facilities
  - Proposed roadways, parking, building footprints, and other structures

Final plans shall be representative of the intended construction bid package.

**B.) Calculations**

All calculations for water quality volume and water quality volume discharge rate shall be submitted to the City as part of the site development drainage study.

Section 4. Previously existing Sections 6-6-2, is repealed and all other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, this Ordinance also provides new Articles in Chapter 4 and chapter 24, this Ordinance shall not be construed to affect any rights, liabilities,

duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 5. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved to form:

\_\_\_\_\_  
City Attorney

## NPDES Permit Requirements

The City of Scottsbluff must comply with the requirements of the National Pollutant Discharge and Eliminates System (NPDES) Storm Water Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the Nebraska Department of Environmental Quality (NDEQ). This unfunded mandate concentrates on six points including post-construction runoff from new and re-developed sites.

The City feels the best long term and sustainable option to address this requirement is to build municipally owned and maintained stormwater treatment facilities.



### City of Scottsbluff Stormwater

Mail: 2525 Circle Drive  
Scottsbluff, NE 69361

Office: 3702 Rebecca Winters Road  
Scottsbluff, NE 69361

Phone: 308-630-8011  
E-mail: [stormwater@scottsbluff.org](mailto:stormwater@scottsbluff.org)

Stormwater  
City of Scottsbluff

## Stormwater Impact Fee



Stormwater Tel: 308-630-8011

## Why do we need a Stormwater Impact Fee?

Stormwater is surface runoff created by rain, hail, sleet, or snow. As development increases, so does impervious surface which increases stormwater volume, pollution and load on the municipal separate storm sewer system (MS4). Without proper infrastructure stormwater creates flood and pollution issues.

Stormwater runoff

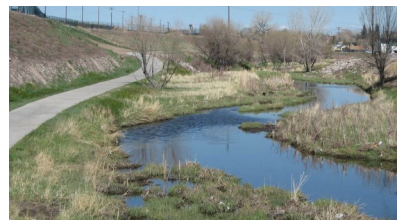


The City's current stormwater retention requirements for new subdivisions are not effective for managing stormwater. Current regulations require developers to use their private land for stormwater treatment facilities (STFs) and place the responsibility of STF maintenance on the property owner. This reduces lot availability and increases flood and safety risks from improper or negligent maintenance.

Revenue generated from the Stormwater Impact Fee will build and maintain municipal stormwater treatment facilities (STFs) to provide flood and pollution control as development expands in the city. Revenue will also fund capital improvement projects, like opening the Scotts Bluff Drain, reducing flood threats to life and property that currently exist.

### How will the fee be assessed?

A stormwater impact fee is considered the fairest method to generate funding to build, operate and maintain the stormwater infrastructure necessary to safely manage the City's stormwater runoff. The amount



Cheyenne Greenway

each developer or builder pays is based upon the amount of impervious area on their property. The \$1.50 per square foot fee will apply to all projects building or adding 1,000 square feet or more of impervious surface and assessed during the building permit process.

In exchange, *developers and builders no longer have to retain stormwater on their property.* This opens previously reserved stormwater retention space for the developer or owner's use, releases the developer or builder from state mandated maintenance and inspections, and insures that City will be able to adequately handle the runoff from the development or building.

### Can I avoid the fee if I manage my site's stormwater?

Not at this time. State regulation requires design standards, maintenance, and inspection be guaranteed *in perpetuity*, including arrangements if the owner or business should leave. Since it is difficult to predict the longevity of a business or owner on a property the City will route stormwater to municipally owned and maintained facilities.



Antelope Creek, Lincoln

### Can I reduce the fee?

Yes! Incorporating more permeable surfaces into the site can reduce the amount of the impact fee. Permeable pavement, green spaces or other structures increase permeable space and reduce runoff generated by a site. Promoting infiltration of runoff can reduce cost. Rethink design to promote permeable surfaces including smaller driveways and more landscaping.



Permeable Pavement