

City of Scottsbluff, Nebraska

Monday, November 13, 2017

Regular Meeting

Item NewBiz4

Ordinance Change Chapter 21 Subdivision Code and Chapter 6 Fees

Staff Contact:



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Stormwater Department
Date: November 13, 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.

At the September 11 Planning Commission Meeting, several questions were raised as to how the fee was determined and how it would be implemented for certain properties. These questions are to be addressed at tonight's meeting, and the ordinance can be recommended for approval or disapproval with or without requested changes.

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: