

City of Scottsbluff, Nebraska

Monday, February 5, 2018

Regular Meeting

Item Resolut.1

Council to consider an Ordinance amending requirements for Stormwater Management, post construction.

Staff Contact: Nathan Johnson, City Manager

Agenda Statement

Meeting Date: February 5, 2018

AGENDA TITLE: Chapter 24, Article 4: Post-Construction Design Standards and Procedures

SUBMITTED BY DEPARTMENT/ORGANIZATION: Stormwater

PRESENTATION BY: Nathan Johnson

SUMMARY EXPLANATION:

The proposed ordinance details the design standards, plan process, and inspection requirements for the stormwater post-construction program. This ordinance is required by our state stormwater permit.

BOARD/COMMISSION RECOMMENDATION:

Planning Commission approved the draft January 22, 2018, and recommends Council approve the ordinance.

STAFF RECOMMENDATION:

Stormwater recommends Council approve the ordinance.

Resolution <input type="checkbox"/>	Ordinance <input checked="" type="checkbox"/>	EXHIBITS Contract <input type="checkbox"/>	Minutes <input type="checkbox"/>	Plan/Map <input type="checkbox"/>
-------------------------------------	---	--	----------------------------------	-----------------------------------

Please provide all visual presentation materials.

Other (specify) ☐ _____

NOTIFICATION LIST: Yes ☐ No ☐ Further Instructions ☐

City of Scottsbluff
Office of the City Manager

Effective date: January 20, 2017

ORDINANCE NO. _____

AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA 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 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:

AChapter 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. This Article includes the establishment of minimum stormwater treatment and design standards, site plan review process, as well as maintenance, inspection and enforcement protocol for permanent stormwater treatment facilities (ASTFs@).

24-4-2 Applicability:

Post construction storm water program requirements shall be applicable to all construction activity and land development over one acre or less than an acre but part if a larger common plan of development or sale within the City.

24-4-3 Additional Definitions

70th 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.

80th 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.

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 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.

Drainage Design Guidance or Manual: Documentation that references design criteria and guidance suggested by the City for stormwater 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.

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.

Municipal Separate Storm Sewer System AMS4": City owned facilities by which stormwater 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.

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 ANPDES@ 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.

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 Stormwater 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 STFs that meet minimum site performance standards in accordance with the city=s MS4 permit. STFs are intended to provide storm water treatment during this time period and are considered functional after vegetation has been established.

Post Construction Stormwater Management Plan: Documentation supporting analysis, design, maintenance and inspection of STFs 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.

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

Stormwater Treatment Facilities ASTFs@: 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 Astructural@ 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 Site Performance Standards

Permanent BMP or STFs design, installation, implementation, and maintenance must consider infiltration, evapotranspiration, harvesting, and/or using storm water discharges to provide water quality measures to runoff.

Discharge standards must consider site discharge volume, rate, duration and frequency to protect and maintain pre-development hydrology to the maximum extent practicable.

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

§ City of Omaha, *AOmaha Regional Storm water Design Manual B Chapter 8: Stormwater Best Management Practices@*

§ City of Lincoln, *ADrainage Criteria Manual - Chapter 8: Stormwater Best Management Practices@*

§ NDOR, *ADrainage and Erosion Control Manual B Chapter 3: Stormwater Treatment within MS4 Communities@*

§ Urban Drainage and Flood Control District (UDFCD), *AUrban 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.

24-4-5 Post-Construction Site Plan Review

Land development that meets the land disturbance criteria in this Article must address stormwater runoff quality and quantity in the drainage plan for any subdivision plat, annexation plat, development agreement, subdivision agreement or other local development plan.

24-4-5.1 Procedures for approval

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:

- § the estimated amount of Impervious Surface
- § the estimated amount of runoff to be mitigated off site at regional facilities (Regional STFs) or addressed by other means approved by the City.
- § how the runoff will be routed to the City=s retention facilities or managed on site

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.

24-4-5.2 Submittals - Post Construction Stormwater Management Plan (PCSMP)

Post Construction Stormwater Management Plan (PCSMP) Submittal. The PCSMP submittal will include the following components:

A.) Plans. Plans showing topographic survey information along with proposed grading, stormwater 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.

As-Built certification within 90 days of project completion

24-4-6 Inspection and Monitoring Requirements for privately Owned Stormwater Treatment Facilities (STFs).

24-4-6.1 Private Stormwater Treatment Facilities (STFs) must be inspected annually and maintained *in perpetuity* by the current property owner who is solely responsible for the cost of inspections, maintenance and repairs of the STF.

24-4-6.2 The owner shall maintain a written STF maintenance procedure and record of all STF inspections, maintenance, disposal, and repairs. Records shall be made available to the City on demand and include the date and time of the event and description of inspection, maintenance or repair conducted. All records shall be signed by the authorized owner or operator or a representative of the owner or operator and kept on file for three years from the date of the activity.

24-4-6.3 Privately owned STFs may be inspected by the City as often as deemed necessary to assure compliance with this article. Such inspections may be unannounced. The City may review the STF records on inspection, maintenance, disposal activities and may order the facility to make changes or repairs as necessary to comply with this article.

- a. Inspections will not be limited to STFs but shall include all structures, equipment or facility operations that may result in significant quantities of

stormwater pollutants or water volume. Other pertinent data and documentation will be subject to verification at the time of inspection.

- b. The City may sample and analyze stormwater runoff from STFs at any time to determine compliance with all provisions of the municipal code.
- c. The City may determine the adequacy of the STF based on review of all pertinent information regarding STF performance and facility operations and may, at its discretion, order the installation of a more effective STF.

24-4-6.4 Enforcement of the article shall be governed by the provisions of this chapter in 24-2-17 through 24-2-23. @

Section 2. All other Ordinances and parts of Ordinances in conflict herewith are repealed. 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 3. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2018.

Mayor

ATTEST:

City Clerk (Seal)

Approved to form:

City Attorney

PLANNING COMMISSION MINUTES
REGULAR SCHEDULED MEETING
JANUARY 22, 2018
Scottsbluff, Nebraska

The Planning Commission of the City of Scottsbluff, Nebraska, met in regular scheduled meeting on January 22, 2018, at 6:00 PM 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 January 12, 2018. The notice stated the date, hour and place of the meeting, that the 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 a 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 has been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Service Department at all times from publication to the time of the meeting.

Item 1. Chairman Angie Aguallo called the meeting to order. Roll call consisted of the following members. Anita Chadwick, Jim Zitterkopf, David Gompert, Callan Wayman, Mark Westphal, Henry Huber, Dana Weber, Becky Estrada, Angie Aguallo. Absent: none. City Officials present: Gary Batt, Code Administrator II, Mark Bohl, Public Works Director, Jordan Diedrich, Deputy Public Works Director, Starr Lehl, Economic Development Director, Leann Sato, Storm Water Specialist.

Item 2. Chairman Aguallo informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on the bookcase in the back of the city Council chambers, for those interested.

Item 3. Acknowledgement of any changes in the agenda: None.

Item 4. Business not on the agenda: None.

Item 5. Citizens with business not on the regular agenda: None.

Item 6. The minutes of the November 13, 2017 meeting were reviewed.

Conclusion: A motion was made by Becky Estrada and seconded by Mark Westphal to approve the minutes from the meeting of November 13, 2017. "Yeas": Chadwick, Gompert, Wayman, Westphal, Huber, Estrada, Aguallo. "Nays": None. "Abstain": Zitterkopf, Weber. "Absent": None.
Motion Carried.

Item 7. The Planning Commission opened a public hearing with a presentation from Starr Lehl on the Multi-County-Regional Housing Study. Starr presented the Planning Commission members with a background of how the study came about. How the information was compiled for Scottsbluff, Kimball and Morrill counties.

Starr said the City Council wanted the Planning Commission to have this information, requesting that the Planning Commission to approve the study for adopting to the Comprehensive Plan.

Starr gave a background of how the western Nebraska Economic Development group identified housing as the number one issue of member communities as it relates to economic development. Many city leaders and businesses feel an adequate workforce housing was not available in the region. Starr explained the study was conceived in anticipation of the passage of Senator Matt Williams' LB518, WNED contracted with Hanna Keelan & Associates to conduct the study in October of 2016. Starr then explained the plan for monies allotted and matching funds in order to spur developments. She compiled information from the study going over the seven (7) goals from the study relating to the needs of the communities, housing developments, continued expansion of properties on Broadway for apartments, rehabilitation of properties for rental stock, financing activities for housing in the three counties, the Fair Housing needs and requirements to include local government, schools, churches, and the private sector and finally the plan for maintenance and implementation into the Comprehensive Plans, Zoning and Subdivision regulations for each community and county to continue efficient, sustainable housing development.

Conclusion: A motion was made by Mark Westphal and seconded by Jim Zitterkopf to approve the Multi-County-Regional Housing Study. "Yeas" Chadwick, Zitterkopf, Gompert, Wayman, Westphal, Huber, Weber, Estrada, Aguillo. "Nays": None. "Abstain": None. "Absent": None. Motion Carried.

Item 8. Leann Sato, Storm Water Specialist for the City of Scottsbluff, first presented to the Planning Commission an update for the funding options for storm water/post construction based in large part on the feasibility and outlined the primary/priority projects for the Scottsbluff Drain. Leann then presented the Planning Commission with the new post construction ordinance Chapter 24 Article 4 to amend and include post-construction design standards in storm water pollution prevention.

Callan Wayman asked if this ordinance would contain the fiscal requirements that the City had brought forth earlier in the discussions and Leann stated it did not. Mark Westphal asked what a 70 percentile rain event was compared to a 5 year or 100 year rain event. Leann explained the 5 or 100 year rains are a likely hood of happening while the 70%tile is a likely amount of moisture from a storm.

Conclusion: A motion was made by Becky Estrada and seconded by Anita Chadwick to approve the ordinance. "Yeas": Chadwick, Zitterkopf, Gompert, Wayman, Westphal, Huber, Weber, Estrada, Aguillo. "Nays": None. "Abstain": None. "Absent": None. Motion Carried.

Item 9. Mark Bohl, Public Works Director for the City of Scottsbluff presented to the Planning Commission the One and Six Year Street Plan. The State of Nebraska requires the Street Plan be reviewed yearly by the Planning Commission and approved and forward to the City Council.

Mark started off explaining that 42nd Street from Highway 71 easterly past the Hilltop Subdivision with the street widened and sidewalk be installed along 42nd street. Mark stated that this was a priority project and that the other locations that have the funding are numbers 2, 3 and 4 found on the summary sheet of the 1&6 year plan. Mark said the remaining, 5 through 18 are areas the City would like to work on if the funds were present.

Henry Huber asked about the retention area on Hilltop whether it was being kept on the subdivision. Mark explained that Baker and Associates has planned that the water be transferred across 42nd street to swale south of the soccer fields.

Dana Weber asked whether there would still be a middle turn lane in 42nd Street, Mark responded that the turn lane will be kept. Dana then asked whether the pathway would be added to the location. Mark

said the plan is to eventually get the pathway into that area, but the 42nd street project calls for sidewalk to be installed and that the hospital shall have a five foot wide sidewalk.

Mark Westphal asked whether the pathway bridge was still slated for the 2nd Avenue crossing , Mark said it is still in the future plans.

Conclusion: A motion was made by Mark Westphal and seconded by Dave Gompert to approve the 1 & 6 year Street Plan. "Yeas": Chadwick, Zitterkopf, Gompert, Wayman, Westphal, Huber, Weber, Estrada, Aguillo. "Nays": None. "Abstain": None. "Absent":None.

Motion Carried.

Item 10. A motion to adjourn was made at 6:40 PM by Becky Estrada and seconded by Dave Gompert.

"Yeas": Chadwick, Zitterkopf, Gompert, Wayman, Westphal, Huber, Weber, Estrada, Aguillo.

"Nays": None. "Abstain": None. "Absent": None.

Motion carried.