

City of Scottsbluff, Nebraska

Monday, March 5, 2018

Regular Meeting

Item Resolut.1

Council to consider an Ordinance amending requirements for Stormwater Management, post construction (third reading).

Staff Contact: Nathan Johnson, City Manager

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:

“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. 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 (“STFs”).

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 “MS4”: 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 “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.

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

24-4-5 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 drainage ways
- 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