

ORDINANCE NO. O-2018-22

**AN ORDINANCE AMENDING AND REPEALING
CERTAIN SECTIONS OF ARTICLE III OF CHAPTER 14,
OF THE MUNICIPAL CODE AND CERTAIN SECTIONS
OF CHAPTER 4 OF THE LAND USE AND
DEVELOPMENT CODE TO ADOPT AND PROVIDE FOR
TECHNICAL REVISION TO THE CITY OF DURANGO
STORM DRAINAGE DESIGN CRITERIA MANUAL, AND
DECLARING AN EFFECTIVE DATE**

WHEREAS, the City's previous Storm Drainage Master Plan and associated Statement of Policy were completed in 1982 and 1984 respectively, and include outdated engineering principles and City boundaries; and

WHEREAS, the City Council approved a Capital Improvement Project in 2016 to update the Storm Drainage Master Plan, which was to be completed in three phases, the first of which was development of a Storm Drainage Design Criteria Manual; and

WHEREAS, City staff worked extensively with a consultant in addition to requesting input and review from local design professionals through public meetings and requests for review and comment in the development of the updated design criteria; and.

WHEREAS, as a result of the intensive development process, staff prepared and proposed for both Planning Commission and City Council the adoption of the new City of Durango Storm Drainage Design Criteria Manual to set forth consistent and updated standards on the design and performance of storm drainage systems or infrastructure, and associated code additions and amendments necessary to adopt by reference; and

WHEREAS, on August 27, 2018, the Planning Commission reviewed the proposed adoption and text amendments and unanimously recommended City Council approval; and

WHEREAS, it is the desire of the City Council to adopt these amendments to certain sections of Article III of Chapter 14 of the Code and to adopt the text

amendments to Chapter 4 of the Land Use and Development Code by reference as described herein; and

WHEREAS, a public hearing has been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public hearing, that amendments to the Code regarding the adoption of the City of Durango Storm Drainage Design Criteria Manual and text amendments to the Land Use and Development Code as set forth herein are in the best interests of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

Section 1. That Section 14-162 of Article III of Chapter 14 of the Code of Ordinances of the City of Durango should be and the same is hereby added to read as follows:

Sec. 14-162. Adoption of the City of Durango Storm Drainage Design Criteria Manual

All engineered design of storm drainage infrastructure within the City shall be completed in accordance with the Land Use and Development Code Section 4-3-1-3 titled: Adoption of the City’s Storm Drainage Design Criteria Manual. All storm drainage plans shall be approved by the City Engineer or their designee prior to construction.

Section 2. That Sections 14-192, 14- 213 through 14- 219 and 14- 239 of Article III of Chapter 14 are repealed in their entirety.

Section 3. That Section 4-3-1-3 of Chapter 27 of the Land Use and Development Code is amended to read in its entirety as follows:

Sec. 4-3-1-3 Design of Storm Drainage Systems or Infrastructure

- A. Adoption of the Storm Drainage Design Criteria Manual. The City of Durango Storm Drainage Design Criteria Manual (August 2018) is hereby adopted by reference. A copy of the Manual shall be available at the City Clerk’s office and Community Development Department office and may be inspected during regular business hours.
- B. All engineered design of storm drainage systems or infrastructure within the City shall be completed in accordance with the criteria, standards, specifications, and policies as outlined in the City of Durango Storm Drainage Design Criteria Manual (August, 2018). The City of Durango Storm Drainage Design Criteria Manual shall be subject to modification, from time to time, upon recommendation of the City Engineer and by action of the City Council implementing and adopting such changes and

modifications as deemed necessary. All storm drainage plans shall be approved by the City Engineer or their designee prior to construction activities as defined in the City's MS4 permit. Storm drainage systems or infrastructure shall be engineered to comply with applicable state and/or federal water quality or quantity requirements.

Section 4. That Section 4-3-1-6 of Chapter 27 of the Land Use and Development Code is amended to read in its entirety as follows:

**Sec. 4-3-1-6 Best Management Practices (BMPs)/Control Measures (CMs)
Design Standards**

- A. New development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale or are within the Riverfront Corridor Overlay Zone (RCOZ), must address stormwater runoff quantity and quality through the use of structural and nonstructural BMPs/CMs.
- B. Post Construction BMPs/CMs
 - 1. Criteria for new development and redevelopment planning, water quality protection, the selection, and the design of which BMPs/CMs are adequate for specific developments shall be determined using the latest revision of the City of Durango Storm Drainage Design Criteria Manual.
 - 2. BMPs/ CMs selected must be designed and implemented according to the City of Durango Storm Drainage Design Criteria Manual specifications and following good engineering, hydrologic, and pollution control practices.
 - 3. Use of manufactured devices, such as stormwater quality vaults, are subject to the approval of the City Engineer or their designee and are restricted to the following conditions:
 - a. The paved area served by the device shall be no greater than three acres;
 - b. There shall be paved access to such devices at a minimum of five feet in distance between the pavement and the maintenance hatch to the vault; and
 - c. Salts, metals, pesticides, organic solvents, fertilizers, and other water-soluble materials shall not be stored in areas served by water quality vaults.
- C. Structural BMPs/CMs shall be located on private property when possible.
 - 1. When so located, the BMPs/CMs shall be owned, maintained and operated by the owner of the property on which the facility is located.
 - 2. As a condition of approval of the BMPs/CMs, the owner of the property shall agree to operate and maintain the BMPs/CMs to its design capacity unless the City relieves the property owner of that responsibility in writing.
 - 3. The obligation to maintain the BMPs/CMs shall be memorialized on a subdivision plat, annexation plat, or in another form of agreement acceptable to the City Attorney, and shall be recorded in the office of the La Plata County Clerk and Recorder.
- D. If the property owner(s) does not successfully complete all required work or violates any requirement of this Section, the City may take corrective measures and recover the costs of enforcement.

1. Such costs shall include the actual cost of any work deemed necessary by the City and all costs of collection, including reasonable staff and attorneys' fees.
 2. If the total of such costs exceeds any security held by the City then the property owner shall be responsible for payment of the remaining balance in addition to an administrative fee equal to 10 percent of the actual cost of any work deemed necessary by the City within 30 calendar days of receipt of an accounting of such from the City.
 3. In addition to any other collection remedy provided by law, the City may place a lien on the property or properties described in the permit for failure by the permittee or property owner to provide payment to the City of the remaining balance, in addition to the administrative fee until such time all outstanding payments to the City have been received.
- E. When the BMPs/CMs must be located within the public right-of-way or within property owned by the City of Durango, the City shall own, operate, and maintain the facility unless otherwise agreed. The City may take measures to restrict flows from properties using the BMPs/CMs and the owner of the property whose flow is restricted may be required to treat stormwater upon reasonable notice from the City.
- F. Construction BMPs/CMs
1. BMPs/CMs implemented at the site of development must be adequately designed to provide control for all potential pollutant sources associated with construction activity to prevent pollution or degradation of the MS4 or waters of the State.
 2. Construction BMPs/CMs implemented at the site shall be described in the Stormwater Management Plan (SWMP) approved by the City, and shall be updated regularly to accurately reflect onsite conditions. (Section 5-5-3 of the Land Use and Development Code titled, Stormwater Management Plans and Stormwater BMP/CMs).

Section 5. That Section 4-3-1-7 of Chapter 27 of the Land Use and Development Code is amended to read in its entirety as follows:

Sec. 4-3-1-7 Post-Construction Best Management Practices (BMPs)/Control Measures (CMs)

- A. Under the post-construction stormwater management in new development and redevelopment provisions, the MS4 General Permit (CWQCD 2016) requires the permittee or property owner to address stormwater runoff from new development and redevelopment that discharges into the MS4.
- B. The permittee or property owner must address stormwater quality through the use of structural and nonstructural BMPs/CMs designed to prevent or minimize water quality impacts. The selection, design, and installation of appropriate structural and nonstructural BMPs/CMs must be done in accordance with the latest revision of the City of Durango Storm Drainage Design Criteria Manual.
- C. Post-Construction (Permanent) Stormwater BMPs/CMs are generally divided into two categories: Treatment BMP/CMs and Source Control BMPs/CMs.

1. *Treatment BMP/CMs.* Post-Construction Treatment BMPs include a variety of alternatives generally categorized as conveyance practices and storage practices (e.g. a grass swale, retention pond, or sand filter) that provide treatment of the stormwater runoff quantity and quality.
2. *Source Control BMPs/CMs.* Proactively controlling pollutants at their source is fundamental to effective stormwater quality. Typically, it is easier and more cost-effective to prevent stormwater pollution than to remove contaminants once they have entered the storm sewer system or receiving water. A good Source Control BMPs/CMs is one that is effective at stopping and / or redirecting pollutants prior to entering the storm sewer system. A Source Control BMPs /CMs can be a structural component of a planned site (e.g. a covered area for material storage) or a procedural BMPs/CMs. Procedural BMPs/CMs depend on behavior change accomplished through public education, training, and development of standard operating procedures.

Section 6. This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY
OF DURANGO

Attest:

City Clerk

Mayor

STATE OF COLORADO
COUNTY OF LA PLATA
)
) ss.
)

I, Amy Phillips, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2018-22 was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the 2nd day of October, 2018, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the 6th day of October, 2018, prior to its final consideration by the City Council.

City Clerk

I further certify that Ordinance No. O-2018-22, was duly adopted by the Durango City Council on the 16th day of November, 2018, and that in accordance with instructions received from the Durango City Council, said amended ordinance was published by title only in the Durango Herald on the 20th day of October, 2018.

City Clerk