



CITY COUNCIL ACTION FORM

DEPARTMENT	PRESENTED BY	DATE
Public Works	David Lady - Public Works Director	February 7, 2023

ITEM

Ordinance 2023-03 An ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING CHAPTER 16, ARTICLE VIII OF THE SALIDA MUNICIPAL CODE ENTITLED "DESIGN STANDARDS" TO AMEND SECTIONS 16-8-60, STORMWATER MANAGEMENT STANDARDS, AND SECTION 16-8-70, GRADING AND EROSION CONTROL. **FIRST READING AND SETTING A PUBLIC HEARING**

BACKGROUND

The City of Salida has design standards that are based on engineering criteria and best practices in the industry. These standards are established to protect the health and well-being of a community and the environment. Standards need updated from time to time as innovation, engineering, and other practices evolve or new information becomes available.

The proposed changes fill in a few gaps where criteria was lacking in the current code as well as update existing language. Having thorough design criteria is necessary to ensure that new developments do not impact adjacent properties adversely, protect the environment, and follow current regulations. The following items are included in the updates:

- 1) Reference to City Design Standards. These standards have been updated to reflect a 25-year, 1-hour, storm event, as well as other items. The short, but more intense, storm durations are reflective of current conditions and are recognized as best practices in other Colorado Stormwater Standards
- 2) Developer responsibilities for the construction and maintenance of stormwater facilities.
- 3) Detention facilities are specified to be located on an outlot or a tract, and within an easement.
- 4) Point discharges defined and related criteria provided.
- 5) Elicit discharges defined and related criteria provided.
- 6) Reference is added for requirements within a floodplain.
- 7) Erosion Control Plan, Stormwater Management Plan, and related permits defined and related criteria provided.

It is anticipated that additional design criteria may be added or considered as part of the Land Use Code updates, however, staff is proposing the current changes in the meantime to update certain items needing addressed.



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FISCAL NOTE

N/A

PLANNING COMMISSION RECOMMENDATION

A public hearing with the Planning Commission was held January 23, 2023 and the Commission recommended adoption of the proposed Amendments to Land Use Code Sec. 16-8-60 and 16-8-70, Design Standards, with two amendments that have been addressed in the attached draft ordinance: reference to 'City of Salida' in the text when referencing the Design Criteria; and ensuring that the language does not hinder creative solutions to locating facilities that would otherwise meet the Design Criteria.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance No. 2023-03.

SUGGESTED MOTION

A City Councilmember should state, "I move to approve Ordinance 2023-03 on first reading and set the second reading and public hearing for February 21st, 2023."

Attachments:

Ordinance 2023-03

Proof of Public Notice

CITY OF SALIDA, COLORADO
ORDINANCE NO. 03
(Series of 2023)

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AMENDING CHAPTER 16, ARTICLE VIII OF THE SALIDA MUNICIPAL CODE ENTITLED “DESIGN STANDARDS” TO AMEND SECTION 16-8-60, STORMWATER MANAGEMENT STANDARDS, AND SECTION 16-8-70, GRADING AND EROSION CONTROL

WHEREAS, the City of Salida, Colorado (“City”) has design standards that are based on engineering criteria and best practices in the industry, and

WHEREAS, these standards are established to protect the health and well-being of the community and the environment by limiting the adverse impact of new developments, and

WHEREAS, updated standards will better assist business owners, developers, property owners, residents, and applicants with more direction, clarity, and consistent and clear direction regarding property design standards, and

WHEREAS, to do so, standards need updated from time to time as innovation, engineering, and other practices evolve or new information becomes available, and

WHEREAS, the proposed changes will fill in gaps where current code criteria have been identified as lacking, as well as provide updates to existing language based on engineering criteria and best practices in the industry.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Chapter 16, Article VIII “Design Standards” Section 16-8-60, entitled “Stormwater Management Standards” and Section 16-8-70 entitled “Grading and Erosion Control” is hereby amended to read as follows:

16-8-60. Stormwater management standards.

(a) Applicability. Stormwater management standards shall apply to nonresidential and mixed-use developments, multi-family units of five (5) or more and major subdivisions.

(b) Drainage Study. A drainage study for a site which is to be developed shall be prepared and the site's drainage system shall be designed by a registered professional engineer, according to the ~~generally accepted storm drainage practices.~~ **The City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets Section 8 Stormwater Criteria.** The plan shall be reviewed and approved by the City Engineer.

(c) Runoff **Drainage** Control Structures **Facilities**. The developer shall provide storm sewers, culverts, bridges and other flood and runoff control structures, as determined necessary by the drainage study, which comply with the City of Salida Construction Standards and Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets. All facilities shall be maintained to preserve their function, and all costs associated with handling drainage generated by a development shall be paid by the developer. The City shall have no obligation to the property owner to inspect, maintain, or reconstruct the detention and water quality facilities.

(1) Detention and water quality facilities located within subdivisions shall be located within an outlot, designated tract, or within the common elements of a condominium plat with a public drainage easement..

(2) Drainage Easements: Drainage easements shall be dedicated at the time of platting. Drainage easements shall encompass drainage control facilities, and connect to public access easement / right-of-way and shall grant to the City at no charge a permanent right to inspect, maintain, and reconstruct the detention and water quality facilities.

(3) Maintenance Agreement: A maintenance agreement, acceptable to the City Engineer, shall be required and recorded for ensuring maintenance of any privately owned drainage control facilities.

(4) Point discharges offsite are not acceptable unless approved by City Engineer. A concentrated point discharge is defined as the location at which concentrated stormwater runoff is released. Point discharges shall be adequately armored with velocity dissipation and appropriate outlet protection.

~~(d) Historic Runoff. The drainage system shall be designed and constructed so that only historic runoff, not including historic irrigation, shall be released from the site. Drainage flows in excess of this amount shall be retained, detained or handled in a storm sewer system. The design storm is for the twenty five year, twenty four hour rainfall. All costs associated with handling runoff generated by a development shall be paid by the developer.~~

(d) Illicit Discharges Prohibited. No user or other person shall discharge any illicit discharge into or upon the stormwater utility system, any public highway, street, sidewalk, alley, land, public place, stream, ditch or other watercourse or into any cesspool, storm or private sewer or natural water outlet, except as specifically provided in the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets Section 8 Stormwater Criteria.

~~(e) Floodplain. Land located within an adopted one hundred year floodplain shall not be used for occupancy, unless the hazards from flooding are mitigated in conformance with the City's floodplain regulations.~~ a special flood hazard area shall adhere to the provisions set forth in Section 16 Article XI – Flood Control.

16-8-70. Grading and erosion control.

(a) Applicability. Grading and erosion control standards shall apply to nonresidential and mixed-use developments, multi-family units of five (5) or more and major subdivisions.

(b) Grading Plan. The applicant shall submit a grading plan which illustrates the extent of the land disturbance which is to occur on the property. The grading plan shall illustrate existing site features and shall depict existing and proposed contours, using a contour interval of ~~two (2) feet~~ **one (1) foot.**

(c) Plan Preparation. Preparation of an effective grading plan and execution of proper grading involve certain basic steps pertaining to street layout, block grading and lot grading. The objective is to establish the street grades, floor elevations and lot grades in proper relation to each other and to existing topography, considering property protection, appeal and use. The basic steps are as follows:

(1) Fit to Topography. If the street layout is still subject to design or adjustment, fit it to the topography to obtain the most favorable types of block and lot grading which are compatible with other objectives.

(2) Block and Lot Grading. Determine type of block grading for each block or portion of a block and, if possible, indicate the general lot grading for each lot by drainage arrows.

(3) Easements. Determine any easements and other provisions needed for adequate block drainage and erosion control.

(4) General Limitations. Determine general lot grading limitations for local conditions, such as minimum gradients for grass swales and slopes and maximum for walks and drives.

(5) Specific Limitations. For each type of house and lot, determine the specific lot grading limitations along a typical lot grading control line from the street to the house and determine the minimum street-to-floor rise.

(6) Street Profiles. If the street profiles are to be designed or adjusted, establish them so as to facilitate the provision of good drainage for both the lots and the streets, giving due consideration to existing topography and lot limitations.

(7) Elevations. For each property, determine proposed elevations for key points on the lot and for the building floor, giving due consideration to street elevations, existing topography and lot grading limitations.

(d) Erosion Control Plan. The applicant shall submit an Erosion Control Plan which complies with the City of Salida Construction Standards and Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets.

(1) If the construction activities result in a land disturbance of greater than or equal to one acre, or if less than one acre are part of a larger common plan of development or sale that would disturb or has disturbed one acre or more:

(i) A copy of a Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activities issued by the Colorado Department of Public Health and Environment.

(ii) A stormwater management plan consistent with the requirements of the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets Section 8 Stormwater Criteria.

(2) Control Measures for Erosion and Sediment Control Required: Control measures for erosion and sediment control shall be selected, designed, installed and maintained in conformity with the approved erosion control plan(s) and the City of Salida Construction Standards and Specifications; and the City of Salida Design Criteria Manual for Water, Sewer, Stormwater, and Streets. No person shall violate the inspection and maintenance requirements established in the Standards for such control measures approved in the erosion control plan.

Section 3. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING on this 7th day of February, 2023, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this 7th day of February, 2023, and set for second reading and public hearing on the 21st day of February, 2023.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this 21st day of February, 2023.

City of Salida

Mayor Dan Shore

ATTEST:

City Clerk/Deputy City Clerk

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING BEFORE
THE PLANNING COMMISSION AND
CITY COUNCIL FOR THE CITY OF
SALIDA CONCERNING A PROPOSED
AMENDMENT TO CHAPTER 16, ARTICLE
VIII OF THE SALIDA MUNICIPAL
CODE REGARDING STORMWATER
MANAGEMENT AND GRADING AND
EROSION CONTROL**

**TO ALL MEMBERS OF THE PUBLIC
AND INTERESTED PERSONS: PLEASE
TAKE NOTICE** that on **January 23, 2023**
at or about the hour of 6:00 p.m., a public
hearing will be conducted by the City of
Salida Planning Commission at City Council
Chambers, 448 East First Street, Suite 190,
Salida, Colorado and online at the following
link: [https://attendee.gotowebinar.com/
rt/1909092342220683277](https://attendee.gotowebinar.com/rt/1909092342220683277)

The hearing is regarding proposed changes
to Chapter 16, Article VIII of the Salida
Municipal Code regarding Section 16-8-60,
Stormwater Management Standards, and
Section 16-8-70, regarding Grading and
Erosion Control.

Any recommendation by the Planning
Commission shall be forwarded to the City
Council for review and a public hearing
scheduled for **February 21, 2023** at or
about the hour of 6:00 p.m. at City Council
Chambers and online at the following
link: [https://attendee.gotowebinar.com/
register/6382995264411204366](https://attendee.gotowebinar.com/register/6382995264411204366).

Interested persons are encouraged to attend
the public hearings. Further information on
the application may be obtained from the
Public Works Department, (719) 539-6257.

*Please note that it is inappropriate to
personally contact individual Planning
Commissioners or City Councilors outside
of the public hearing while an application
is pending. Such contact is considered
ex parte communication and will have to
be disclosed as part of the public hearings
on the matter. If you have any questions/
comments, you should email or write a letter
to staff, or present your concerns at the
public meeting via the above GoToWebinar
link so your comments can be made part of