



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/15/2013
REGULAR
ITEM #: 14

AGENDA ITEM: Storm Water and Erosion and Sediment Control – Approving Revisions to City Code Section 150.277
SUBMITTED BY: Jack Griffin, City Engineer
THROUGH: Dean A. Zuleger, City Administrator
REVIEWED BY: Adam Bell, City Clerk
Kyle Klatt, Planning Director

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... City Engineer
- Report/Presentation City Engineer
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

SUMMARY AND ACTION REQUESTED:

The City Council is respectfully requested to consider approving Ordinance 08-090, thereby approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo; and approving Resolution No. 2013-89 authorizing summary publication of Ordinance 08-090. The recommended motions for these actions are as follows:

“Move to approve Ordinance 08-090, approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo.”

and

“Move to approve Resolution No. 2013-89, authorizing summary publication of Ordinance 08-090.”

STAFF REPORT:

The Storm Water and Erosion and Sediment Control Ordinance was adopted and incorporated into the City Code by the City Council on June 16, 2009, and received minor revisions in May 2011. Additional revisions are now being proposed through Ordinance 08-090 to better align the

regulation of stormwater management in the city with the new State and Watershed rules and to simplify permitting and compliance requirements with the rules.

In compliance with the Federal Clean Water Act, the Minnesota Pollution Control Agency (MPCA) maintains permitting authority to manage stormwater and improve water quality throughout the state. The MPCA Stormwater Program includes two general stormwater permits that have been reissued on August 1, 2013 to comply with changing federal rules and incorporate changes needed to enhance compliance with the permit. The MPCA issues the Minnesota NPDES/SDS Construction Stormwater General Permit (R1000001) to protect water resources from contaminants in runoff from construction sites. The MPCA also issues the General NPDES/SDS Permit MNR040000 for Municipal Separate Storm Sewer Systems (MS4s) to regulate stormwater discharge from counties, cities, townships and other government entities in urbanized areas.

Through the reissuance of these two permits the MPCA has included new requirements for construction projects and by MS4's for controlling stormwater discharge volume, Total Suspended Solids (TSS) and Phosphorus; which will require increased infiltration of stormwater runoff for new development and redevelopment projects.

In addition, the Valley Branch Watershed District (VBWD) is updating their Rules and Regulations to comply with the changes in federal and state rules. Among these changes the VBWD is increasing the volume control design standard to capture and retain on site 1.1 inches of stormwater runoff from the new and/or fully reconstructed impervious surface. This design standard was previously 0.5 inches.

Ordinance 08-090 revises Section 150.277 Performance and Design Standards to;

- Eliminate the requirement by applicants to prepare and submit for approval by the City a Storm Water Management Plan using stormwater modeling design criteria that is different from the State and/or local Watershed District(s). Instead the Stormwater Management Plan must be submitted to the City, but will be the same Stormwater Management Plan already prepared for watershed district and/or State approvals.
- Align the stormwater rate control requirements by the city with the rate control requirements of the State and local Watershed(s).
- Align the water quality control (volume) requirements by the city with the water quality control (volume) requirements of the State and local Watershed(s).

The proposed revisions to Section 150.277 of the City Code are shown in Ordinance 08-090 (see Attachment No. 1). Since these revisions are not within the City's Zoning Code, a public hearing is not required.

RECOMMENDATION:

Staff is recommending that the City Council approve Ordinance 08-090, thereby approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo; and approve Resolution No. 2013-89 authorizing summary publication of Ordinance 08-090. The recommended motions for these actions are as follows:

“Move to approve Ordinance 08-090, approving revisions to Section 150.277 of the City Code governing storm water and erosion and sediment control in the City of Lake Elmo.”

and

“Move to approve Resolution No. 2013-89, authorizing summary publication of Ordinance 08-090.”

ATTACHMENT(S):

1. Ordinance 08-090.
2. Resolution No. 2013-89.
3. Storm Water and Erosion and Sediment Control Ordinance, Revisions to Section 150.277.