

STAFF REPORT

**Drainage Ordinance**  
Summation

UDC Text Amendment

**CASE NUMBER:** PLN-15-00003

**PREPARED BY:** Nathan Beauheim

**MEETING** April 20, 2015 – Planning Commission

**DATES:**

**RECOMMENDATION:** The City Engineer's Office recommends approval of the proposed text amendment pursuant to the review criteria outlined in Article 2, Section 2.4.1d of the Cheyenne Unified Development Code (UDC).

**Proposed Ordinance:** A UDC text amendment to update requirements for drainage studies and mitigation for new and redevelopment projects. This proposed ordinance also adds new definitions and makes conforming amendments to various UDC sections.

The proposed ordinance is attached.

**Background:** When the UDC was being developed, updating the drainage criteria was specifically excluded from the scope of work. Rather, the drainage criteria from older versions of the code were carried over with minor edits being made to conform to the UDC formatting. In turn, the older versions of the drainage criteria had evolved from regulations adopted in the aftermath of the 1985 Flood with minor changes being made over the years.

**Data:** The City has been granted authority pursuant to W.S. §15-1-103(a)(xxx) and (xxxi) to provide and regulate drainage systems. General practice has been that persons developing land are required to mitigate the drainage impacts of their development so that the overall system continues to function as designed. In turn, it is generally the City's responsibility to upgrade the overall system to fix historical problems, subject to funding constraints. This proposed ordinance retains the historic allocation of responsibilities.

**Analysis:** This comprehensive rewrite of the drainage criteria was originally based on the recently adopted Laramie County drainage requirements with the stated intent of codifying the status quo as much as possible with some changes made to reflect emerging practice and requirements. Extensive reference is made to publications produced by Urban Drainage & Flood Control District in Denver, who tends to serve as a set of established practices for the region. Numerous items that are currently being done on the basis of written and unwritten policy are being codified by the ordinance, reducing the chances of policy shifting without notice due to changes in personnel at the City.

This ordinance for the first time specifically addresses drainage requirements for redeveloping properties by establishing a sliding scale of requirements whereby smaller redeveloping properties are required to perform minimal retrofits while larger redeveloping properties are required to conform to current requirements. This policy change is being recommended to provide a long term solution to the disproportionate amount of runoff created by very large paved properties (primarily in the older parts of town) that can be mitigated readily and efficiently on site, however would

require a very large public expenditure to treat and convey once the water has entered the public drainage system.

This ordinance adds requirements that all projects not eligible for a waiver are required to consider and mitigate water quality impacts from their development. These new requirements are intended to assist the City in meeting its obligations under the Clean Water Act.

A draft of this ordinance was presented to the Planning Commission on March 16, 2015. Based on input received at that meeting, language was added to Section 3.2.3.D.a clarifying when Storm Water Pollution Prevention Plans are required to be submitted. Also in response to input received, Section 3.2.4 was changed so that Drainage Studies will be valid for 2 years. The request at the Planning Commission meeting was for 18 months (to match the recording deadline on a final plat), however staff is recommending 2 years to match the deadline for starting construction on an approved site plan. No changes are proposed regarding the requirement to provide easements. In discussions with the City's legal staff, their opinion is that if it looks like an easement and acts like an easement; it's an easement no matter what it's called. Therefore, staff is recommending staying with the current language.

Comments were received on this draft ordinance on April 10, 2015 from Nancy Loomis (attached). Staff has not had an opportunity to consider her comments, however will be addressing them at the Planning Commission meeting.

**Recommendation:**

The City Engineer's Office recommends approving this UDC text amendment.