

CITY OF DOVER, IDAHO

ORDINANCE NUMBER _____ BUILDING CODES AND REGULATIONS – STORMWATER MANAGEMENT REGULATIONS

AN ORDINANCE OF THE CITY OF DOVER, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING DOVER CITY CODE, TITLE 9, CHAPTER 4, “STORMWATER MANAGEMENT REGULATIONS,” TO PROVIDE: PURPOSE; AUTHORITY; DEFINITIONS; APPLICABILITY; ADMINISTRATION; AND ADMINISTRATIVE EXCEPTIONS; AND TO ESTABLISH PROCEDURES, PERFORMANCE STANDARDS, APPEALS, AND VARIANCES; REQUIRE FEES; PROVIDE FOR ENFORCEMENT, INCLUDING MISDEMEANOR PENALTIES; PROVIDE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDE FOR SEVERABILITY, SAVINGS, AND AN EFFECTIVE DATE.

WHEREAS, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Code, Title 50, Chapters 3 and 9 provide authority for the City of Dover, Idaho to adopt ordinances and establish land use standards, procedures, and uses; and

WHEREAS, Idaho Code §67-6518 provides authority for cities to set standards for storm drainage systems and other public and private development; and

WHEREAS, Idaho Code §67-6511 authorizes cities to establish zoning regulations and standards to address construction and reconstruction and other zoning standards, which shall be consistent with the adopted comprehensive plan; and

WHEREAS, Dover’s comprehensive plan calls for the city to control stormwater runoff at its source using green infrastructure and other strategies that mimic natural processes to prevent pollution of Dover’s valuable water resources; and

WHEREAS, Dover desires to establish standards for construction and land disturbing activities to protect water quality and reduce hazards from stormwater runoff; ;and

WHEREAS, Dover Planning and Zoning Commission held a duly noticed public hearing on ? and recommended approval of the ordinance, and Dover City Council held a duly noticed public hearing on ?.

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of Dover, Idaho as follows:

Section 1:

Title 9, Chapter 4, "Building Codes and Regulations" of Dover City Code is hereby amended to provide a new Chapter 4, which shall read as follows:

TITLE 9
Chapter 4
STORMWATER MANAGEMENT REGULATIONS

9-4-1: PURPOSE:

The purpose of this chapter is to provide standards for development to safeguard properties, water quality, and the environment from the adverse effects of unchecked stormwater run-off, erosion, and sedimentation by setting forth performance standards and requiring the use of Best Management Practices (BMPs) to guide and design development and to properly channel, disperse, and filter stormwater.

9-4-2: SCOPE:

All land-disturbing activities, modification, alterations, grading, excavation, or construction within the incorporated City limits of Dover are subject to the standards of this chapter, as set forth in the applicability section of this chapter, unless otherwise specifically exempt, pursuant to this chapter.

9-4-3: AUTHORITY:

The provisions of this chapter are authorized at Idaho Code title 50, chapters 3 and 9, and title 67, sections 6511 and 6518.

9-4-4: DEFINITIONS:

For the purposes of this chapter, the following terms shall have these specific meanings:

ADMINISTRATOR: The Planning and Zoning Administrator.

AS-BUILT DRAWINGS: Design plans that reflect the actual installation and placement of all features of the plan and all changes to the plans that occurred during construction.

BEST MANAGEMENT PRACTICES (BMPs): Generally recognized stormwater techniques and methods that have been determined by scientific study and use to prevent or minimize water pollution caused by development or construction.

CITY ENGINEER: An engineer appointed by the Mayor and City Council to represent the City of Dover.

CLEARING: The destruction and/or removal of vegetation by manual, mechanical or chemical means, except that for the purposes of this chapter, the term shall not include agricultural and silvicultural practices, gardening, landscaping, snow removal, and other incidental practices not associated with vegetative removal as a precursor to actual construction to which this chapter is applicable.

CONVEYANCE: A mechanism for transporting stormwater from one point to another including pipes, ditches and channels, but not including agricultural ditches for irrigation.

DESIGN PROFESSIONAL: Professionals licensed or authorized by the State of Idaho for engineering, landscape architecture, or stormwater management [with the corresponding education and experience in stormwater design and management](#).

DESIGN STORM: A rainfall event of specific return frequency and duration that is used to calculate stormwater runoff volume and peak discharge rates. For the purposes of this chapter, a 25-year storm event on the Intensity-Duration-Frequency Curve prepared by the Idaho Transportation Department for Zone C shall be used. Subdivisions may require higher return frequency than a 25-year event, as determined by the City Engineer.

DETENTION: The temporary storage of stormwaters to provide for settling of suspended solids, infiltration, velocity reduction, or combination of these.

DEVELOPMENT: Any manmade change to the land, including, but not limited to, building construction, fill, grading, stockpiling of soil or overburden, road construction, or other physical extensions, construction, or alteration of the land.

[EPA: Environmental Protection Agency](#)

EROSION CONTROL: Any temporary or permanent measure taken to reduce erosion, control siltation and sedimentation or to ensure that sediment-bearing waters do not leave a construction site.

- a. [Temporary ~~e~~Erosion ~~c~~Control are mitigation measures and BMP's used prior to earth--disturbing activities, during construction activities and until site stabilization has been achieved.](#)
- b. [Permanent ~~e~~Erosion ~~c~~Control may be considered stable when a site has established ~~seventy-five percent \(75%\)~~ of native or constructed vegetation has been established \(growth\) and permanent manufactured soil stability mitigation is in place.](#)

[GIA: Ground Infiltration Area](#)

GROUND WATER: Waters in a subterranean saturated zone or stratum.

[IDEQ BMP: Current Edition of the State of Idaho Department of Environmental Quality, Idaho Catalog of Storm Water Best Management](#)

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Commented [CM1]: GRASSED INFILTRATION AREA: Gently sloped, vegetated areas specifically designed to hold and allow infiltration of stormwater runoff for a defined volume.

Practices. reference – <http://www.deq.idaho.gov/>

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IMPERVIOUS SURFACE: A hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to construction, or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow compared to conditions prior to construction. Common impervious surfaces, include, but are not limited to roof tops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces that impede the natural infiltration of stormwater. Open, uncovered retention or detention facilities are not considered to be impervious surfaces for the purposes of this chapter.

INFILTRATION: The downward movement of water from the surface to the subsoil.

LAND DISTURBING ACTIVITY: Any activity that results in a change in the existing soil cover, and includes clearing, grading, filling, and excavation, except as otherwise provided in this chapter.

NATIONAL HYDROGRAPHY DATASET (NHD): A digital mapping system maintained by the U.S. Geological Service to portray surface water features, such as rivers, streams, canals, lakes, and ponds.

RETENTION: The holding of stormwater runoff within a contained area in such manner that the stormwater can disperse by means of evaporation, infiltration, or controlled emergency overflow or bypass structures.

ROAD CONSTRUCTION: The building up of the natural land surface to create a travel way open for vehicular passage. Road construction shall include such activities as initial clearing, alteration of topography, installation of culverts, filling of low areas, placement of geofabrics, deposition of subbase or base material, topping, grading, and surfacing, and drainage of ground water.

ROAD RECONSTRUCTION: Any modification of the cross-section, subgrade or alignment of a road or travel way within a right-of-way or easement. Routine grading, snow removal, chip seal, applied dust coating, re-surfacing or repaving of a road shall not be considered reconstruction.

SEDIMENT: Fragmented material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

SITE: The land area subject to a land disturbing activity associated with any construction to which this chapter is applicable. The site shall be deemed to include actual areas of land disturbance and areas designated for stockpiling or storage of excavated earthen materials.

STORMWATER: That portion of precipitation that does not naturally percolate into the ground or evaporate, but instead runs over the surface of the land, and eventually evaporates or travels to defined watercourses or constructed conveyance, detention or retention facilities.

STORMWATER MANAGEMENT PLAN: A document composed of drawings, maps, calculations, etc., which is used to design a stormwater management system and to ensure the functioning of the system.

STORMWATER MANAGEMENT SYSTEM: A system of collection, detention, retention or infiltration areas and/or treatment devices designed to prevent untreated stormwater from entering a natural body of surface water.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A document consisting of drawings of a site with diagrams, explanatory text, maps, etc., which are developed for erosion control pursuant to the Environmental Protection Agency ([EPA](#)) regulations.

STREAM: A natural watercourse of perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water.

SURFACE WATER: All waters that collect, flow or accumulate on or above the ground surface.

SWALE: A shallow depression in the ground surface with relatively gentle side slopes, which is designed or used to retain stormwater for sufficient time to allow stormwater to percolate into the soil or to flow slowly through vegetation that provides natural filtration of sediment.

TREATMENT DEVICE: A constructed or manufactured area or mechanism designed to remove contaminants from stormwater. Treatment devices may include but are not limited to: detention ponds, oil/water separators, biofiltration swales, and [natural or constructed wetlands](#).

UNDEVELOPED OR UNDISTURBED STATE: The soils and vegetation in place prior to the start of any land disturbing activity.

WATERCOURSE: A natural channel carrying waters on a regular or intermittent or infrequent basis. Any body of water, including, but not limited to lakes, ponds, rivers, streams, [tributaries, drainage channels, or paths](#) and bodies of water.

WATERS: All the accumulations of water, surface and ground water, natural and artificial, public and private, or parts thereof, which are wholly or partially within, or flow through a border of Dover City limits.

9-4-5: GENERAL PROVISIONS:

- A. Compliance Required: For all activities to which this chapter is applicable, no person, group, association, entity or body corporate shall conduct or cause to be conducted any activity or initiate construction on any structure including excavation, site preparation or leveling without first complying with the provisions of this chapter.
- B. Damage, Failure: No person shall damage or impair a stormwater/erosion control feature or fail to install, complete or maintain any portion of a stormwater management system. No alterations to existing stormwater systems shall occur without prior written approval from the City of Dover.
- C. Failure To Maintain Deemed Misdemeanor Violation: The failure to maintain any component of a stormwater management system or sedimentation/erosion control feature in accordance with an approved plan shall be deemed a violation of the provisions of this chapter and subject to the misdemeanor penalties as provided in Section 1-4-1 of this code.
- D. Civil Remedies: Nothing contained herein shall preclude the city from pursuing enforcement through injunctive relief or other civil remedies available.

9-4-6: APPLICABILITY:

- A. Applicability: The provisions of this chapter shall be applicable to:
 - 1. All new subdivisions and new phases of existing subdivisions.
 - 2. All development, construction, reconstruction, additions, or modifications, except as provided elsewhere in this chapter.
 - 3. Public road construction undertaken by any political subdivision of the State of Idaho or public agency over which the City of Dover asserts jurisdiction.
 - 4. Grading, paving, excavation, fill, stockpiling of soils or overburden, or similar land-disturbing or earthwork activities, except as provided elsewhere in this chapter.
 - 5. Any modifications to existing stormwater/erosion control systems.
 - 6. Construction which occurs within three hundred feet (300') of any lake, slough, pond, river, stream or intermittent stream shown on the National Hydrography Dataset (NHD), as published by the United States Geological Survey, or by actual survey;
 - 7. Construction or development which occurs on or within three hundred feet (300') of a slope with eight percent (8%) or greater incline as determined

from the applicable seven and one-half (7.5) minute quadrangle map published by the United States Geological Survey or by actual survey;

8. Construction or development which occurs adjacent to a new or existing road with a slope of eight percent (8%) or greater;
9. Land disturbing activities that are a part of, accessory to, or preparatory to any of the activities listed in subsections 1 through 8 of this section.

B. Exceptions: The provisions of this chapter shall not be applicable to:

1. Stream channel alterations that proceed under the terms of a permit issued by the Idaho Department of Water Resources pursuant to title 42, chapter 38, Idaho Code. Upland disturbances not covered by the state permit are subject to this chapter.
2. Agricultural activities such as plowing, mowing, harvesting, or other activities that allow the landowner full and complete use of agricultural land for production of any agricultural product.
3. Traditional residential uses such as landscaping, gardening, snow removal, tree planting, routine driveway or road maintenance, and driveway or road maintenance on private property that does not drain to [waters of the US, its tributaries, adjacent parcels or the public right-of way. Any item listed in this exception that may violate the Clean Water Act or require an EPA NPDES permit are not exempt. Other residential uses in this section may require a permit and IDEQ BMP mitigation.](#)
4. Any logging activity that proceeds in accord with the Idaho Forest Practices Act [and doesn't violate the Clean Water Act or require an EPA NPDES permit.](#)

C. Administrative Exceptions: The City Engineer, or the Administrator in consultation with the City Engineer, may grant administrative exceptions or variations to the requirements of this chapter for the following:

1. Minor variations to the standards set forth herein to accommodate unique topographical, vegetative, geological, or hydrological conditions.
2. Exceptions for minor additions, remodeling, or restoration of an existing structure.
3. Joint stormwater management. Exceptions for joint management of stormwater adjoining property owners may be allowed if a joint management agreement approved by the City Engineer is presented as a

part of the stormwater management plan. The approved joint stormwater management agreement shall be recorded [with Bonner County](#).

4. Minor subdivisions, as defined by title 11 of this Code, that will not result in the creation of new roads, pathways, sidewalks or similar infrastructure impervious surfaces.

9-4-7: ADMINISTRATION:

- A. Filing Of Application: Applications as required by this chapter shall be filed with the City. The application shall include at a minimum the contents listed at section 7-2-9 of this chapter and shall be accompanied by the applicable fees as established by resolution of the Dover City Council. No application shall be processed or reviewed until the required fee is paid.
- B. Administrator Designated: The City Zoning Administrator or other individual designated by the Mayor or City Council shall administer the provisions of this chapter.
- C. Duties Of The Administrator: In addition to the specific duties as may be set forth in other sections, the Administrator or designee shall:
 1. Review submitted plans for completeness.
 2. Forward applications to City Engineer, when applicable.
 3. Provide applicant with written decisions for all applications.
 4. Assist the City Clerk in maintaining a record of all applications, records, proceedings, final decisions, plans, administrative exceptions, variances, appeals, and other documents required by this chapter.
 5. Assist landowners with the application process.

9-4-8: PERFORMANCE STANDARDS:

- A. All development shall meet the following performance standards:
 1. Stormwater runoff shall not be accelerated or concentrated beyond pre-development levels beyond the exterior property lines or project boundaries. There shall be no increase in the peak rate of runoff from the site when compared to the undeveloped state, based on a 25-year design storm event, as defined. Undeveloped shall mean the natural soils and vegetation in place prior to the start of any clearing, excavation, or construction.

2. No stormwater shall be collected or concentrated except within a channel or other stormwater feature protected against erosion and containing energy dissipation measures to prevent further erosion on adjoining lands. Any existing, unprotected channels shall be protected against further erosion.
3. Natural topography and existing vegetation shall be incorporated into the stormwater/erosion control plan, where possible, to accommodate additional stormwater flows.
4. Best Management Practices DEQ BMP's or other BMPs determined acceptable by the city engineer shall be implemented to filter pollutants and control erosion and sedimentation.
5. All existing stormwater/erosion control features shall be preserved and protected to ensure they continue to function.
6. All exposed soils or any soil or overburden stockpiles shall be protected to prevent sedimentation, sediment transport, and mass movement.
7. Off-site transport of soils and sediment from construction sites shall be minimized not exceed pre-development levels through the stabilization of access points, entrances and installation of proper BMPs on the at site entrances. Pre-development turbidity measurements and turbidity monitoring may be required by the City, Idaho Department of Environmental Quality, or by other agency mitigation requirements.
8. Construction sites shall be managed to prevent the discharge of pollutants, such as petroleum products, paints, solvents, construction washings, and other materials.

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9. Surface water shall not be diverted to adjoining properties nor shall berms, grading, or fill be placed to cause run-off to be diverted to adjoining properties. The City has no express duty to resolve disputes between neighbors over drainage issues.

10. Natural and historic water courses traversing onto a property or leaving a property may not be changed without City approval. For proposed changes, a drainage study prepared by an Idaho Licensed Professional Engineer or other Idaho licensed design professional may be required by the City. Changes to a natural watercourse route, wetlands, flow volumes, rates, etc. may require stormwater easements from the applicant/property owner and all other impacted property owners. The applicant is responsible for obtaining said easements.

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11. Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects, infrastructure development projects (such as roads). Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation. The property owner and design professional submitting plans for City review are responsible for complying and incorporating into site plans the requirements of the Clean Water Act as required by the U.S. Army Corps of Engineers General or Individual permits, notice of Intent and other permit requirements, including the Idaho Department of Environmental Quality mitigation, approval, denials or mitigation required by such agencies.

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10-12. Easements for dedicated stormwater management features or access to features shall be shown on the final plat of any new subdivision.

- B. Stormwater runoff shall be managed through compliance with the performance standards and ~~Best Management Practices~~ DEQ BMP's or other BMPs determined acceptable by the city engineer by implementation of measures shown by a design professional to have an effective design capability that equals or exceeds the standards of this chapter. ~~Temporary and permanent erosion control measures and BMP's shall be shown on the plans.~~
- C. For the design and review of plans, the applicant or design professional may use as guidance the latest edition of the ~~International Code Council Stormwater Management Regulations Urban Drainage Design Manual, Hydraulic Engineering Circular No. 22 (HEC-22) for stormwater systems on or crossing an urban roadway, Hydrologic Engineering Center's (CEIWR-HEC) River Analysis System (HEC-RAS), the Environmental Protection Agency Stormwater Pollution Prevention Plan Standards, Natural Resources Conservation Service methods, the Rational Method with a volume calculation methodology or other engineering guidance meeting the standard of care for Idaho manuals,~~ as determined acceptable by the city engineer. These documents may be used for guidance purposes ~~only~~, not as a regulatory standard.
- D. Rates of infiltration vary in the city and must be verified based on infiltration rate testing of the soil ~~types~~ and ground saturation of the subject site as determined by the City Engineer. Generalized, assumed calculations are not acceptable unless soils are free draining and verified and by the city engineer in advance of a design or stormwater report submittal.
- E. Grassed infiltration areas (GIA), swales or other acceptable alternatives as approved by the city engineer shall be sized to hold and treat the first one-half inch (1/2") of stormwater runoff from ~~all~~ impervious surfaces prior to discharging.

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Roof drains from roofs constructed of materials that allows for clean rainwater runoff may be eliminated from the treatment area calculation. Roof drain volumes ~~will shall be still need~~ included in the stormwater calculations, ~~regardless~~. Direct injection of roof drains will only be allowed in areas where soils are well draining and ~~doesn't do not~~ have the potential to impact of ~~impacting~~ adjacent properties, cut banks or public right-of-way. GIA's or other treatment areas must have soils that are capable of percolation and percolation rates shall be factored into the stormwater design. The ~~cCity eEngineer~~ may require a stormwater report, calculations and percolation testing of the soils that are used for treatment. The design professional may recommend soil amendments to meet percolation needs. The ~~cCity eEngineer~~ may ~~at their sole discretion consider waiving-waive~~ GIA requirements for parcels that pose little to no risk for stormwater runoff from the property and have no waters of the U.S. tributaries, or seasonal drainage paths. Target ~~treatment area depths for~~ ~~GIA's and swales are limited to 18-~~ inches or less. No GIA or swale shall create a standing water safety or health safety issue. Additional mitigation ~~for such safety situations~~ may be required of the designer and property owner by the city engineer to mitigate safety concerns.

- F. Sufficient storage volume and detention/retention time shall be provided so there is no increase in the peak rate of runoff from the site for a 25-year storm. At the discretion of the ~~cCity~~ engineer, the City may require a larger storm event be ~~utilized~~used by the design professional's calculations if there is risk of a larger event negatively impacting an adjacent property.
- G. Certification in the Panhandle Stormwater and Erosion Education Program (SEEP) is encouraged for all contractors, developers, and excavators.
- H. ~~For all culvert installations, the standard drawings adopted by resolution of the City Council shall apply. For all building permit applications where the building lot fronts a stormwater drainage ditch, the property owner shall first obtain an encroachment permit and install the driveway culvert in conformance with this chapter and the conditions of the culvert permit prior to issuance of a building permit.~~
- I. The city encourages the use of green infrastructure and other alternatives and strategies such as created wetland ponds, rain gardens and other features that mimic natural processes to prevent pollution of Dover's valuable water resources. Due to slope, varying soils, high water tables, and other constraints, these features require the review and approval of the city engineer.

9-4-9: APPLICATIONS:

Applications for activities that are subject to provisions of this chapter are divided into the following categories based upon the level of site disturbance and impervious surfaces:

A. Basic Plan: The landowner shall provide a completed stormwater checklist on a form provided by the city, ensuring compliance with performance standards, for the following:

1. New construction, additions or modifications to existing structures, fill, excavation, or development in which all the following criteria are met:
 - a. Not within three hundred feet (300') of any surface water, shown on the National Hydrography Dataset or by actual survey.
 - b. Not on a slope of eight percent (8%) or greater.
 - c. New impervious surface created by the construction does not exceed one thousand (1,000) square feet.
 - d. Area of land-disturbing activities created by construction does not exceed five thousand (5,000) square feet.
 - e. ~~Not~~ The City Engineer may require parcels adjacent to a new or existing road with a profile slope of ~~seven percent (-7%)~~ or greater to comply with a Minor Plan. ~~WHY? IF ROAD ALREADY EXISTING, THIS SHOULDN'T BE A FACTOR. SITE ITSELF SHOULD DETERMINE IF PLAN NEEDED.~~
 - f. Development does not result in more than fifty (50) cubic yards of fill or excavated material.
 - g. Development does not result in more than five thousand (5,000) square feet of disturbed area.
 - h. Development does not change grade by more than four feet (4') in height.

Commented [JH5]: It's possible that the majority of a site is under 8% but the road is over 7%. In this case the site drainage and approach can negatively impact the road and ditches. 7% or greater road ditch slopes usually need special stormwater mitigation and may need additional mitigation if more on site stormwater is passing through a site through a seasonal stream or stormwater conveyance system. I added language to help clarify. We just need an option to kick more complex sites into the "Minor Plan" category.

B. Minor Plan: A sedimentation and erosion control plan shall be submitted by the property owner and approved by the city prior to the commencement of any construction, development, or site disturbance for low-impact developments that meet the following criteria:

1. Excavation or fill between fifty (50) cubic yards and two hundred fifty (250) cubic yards of material.
2. Construction or reconstruction of structures, paving, or other activities between one thousand (1,000) square feet and ~~two-three~~ thousand (23,000) square feet of new impervious surface.

3. Land-disturbing activities between five thousand (5,000) square feet of disturbed area and ten thousand (10,000) square feet of disturbed area.

4. Construction or development adjacent to a new or existing road with a roadway profile slope of seven percent (7%) or greater. The City engineer may waive the Minor Plan requirement.

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5. Excavation, fill, construction, reconstruction, or land disturbing activities on sites that are within three hundred feet (300') of any surface water, shown on the National Hydrography Dataset or by actual survey, or on a slope of eight percent (8%) or greater and do not exceed any of the following:

- a. One thousand (1,000) square feet of new impervious surface.
- b. Five thousand (5,000) square feet of land-disturbing activities.
- c. Fifty (50) cubic yards of fill or excavated material.
- d. A four-foot (4') change in grade.

The City engineer may require the plans for more complex sites that meet the requirements of a Minor Plan plans be sealed by a design professional licensed in the State of Idaho. Adjacent to a new or existing road with a slope of 7% or greater.

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C. Major Plan: A Stormwater Management Plan shall be submitted and sealed by a design professional licensed in the State of Idaho and approved by the city prior to the commencement of any construction, development, or site disturbance for developments that meet the following criteria:

- 1. Fill or excavation that will result in two hundred fifty (250) cubic yards or more of material.
- 2. Construction or reconstruction of structures, paving, or other activities that will create more than two three thousand (23,000) square feet or more of new impervious surface.
- 3. Land-disturbing activities that will result in ten thousand (10,000) square feet of disturbed area or more.
- 4. Excavation, fill, construction, reconstruction, or land disturbing activities on sites that are within three hundred feet (300') of any surface water, shown on the National Hydrography Dataset or by actual survey, or on a slope of eight percent (8%) or greater slope that exceed:

Commented [JH6]: I think we should increase this value - We don't need to get into a major plan for every single lot with a 2001SF or larger home.

- a. One thousand (1,000) square feet of new impervious surface.
- b. Five thousand (5,000) square feet of land-disturbing activities.
- c. Fifty (50) cubic yards of fill or excavated material.
- d. A four-foot (4') change in grade.

D. Subdivision Plan:

1. All new subdivisions and phases of existing subdivisions shall provide a preliminary stormwater management plan at the time of preliminary plat application, unless otherwise provided herein. The final stormwater management plan, consistent with this chapter shall be filed with the subdivision construction plans, prior to any site disturbance, in accord with the subdivision regulations of Title 11 of this code.

2. [The requirements of the United States Clean Water Act \(33 U.S.C. §1251\) and Environmental Protection Agency \(EPA\) National Pollutant Discharge Elimination System \(NPDES\) Program and regulations shall be met-are incorporated into this code. Per the EPA, all acreages of all phases of a development are to be counted in the determination on the need for a Notice of Intent, SWPPP and other EPA NPDES and U.S. Army Corps Section 404 permit requirements.](#)

Commented [CM7]: Need to be cautious of "incorporating" a law, which may require Dover to have the code on hand. How about this revision?

2-3. Development of lots shall be in accord with the approved subdivision stormwater management plan. At the time of building permit application, the landowner shall provide plans indicating how the lot will be developed to meet the requirements of the approved plan.

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3-4. For subdivisions that do not have approved stormwater management plans, lot development is subject to section 7-2-6, "Applicability", of this chapter and the applicable requirements of this chapter.

E. Application Contents: Applications shall contain the following minimum information:

- 1. Basic Plan: Completion of the city checklist.
- 2. Minor Plan (Sedimentation and Erosion Control Plan):
 - a. A project site plan showing the limits of proposed construction, location of proposed and existing structures, walkways, driveways, roads, surface water, wetlands, vegetative coverage, any proposed soil stockpiles, drainage patterns, and existing or proposed

temporary and permanent sedimentation/erosion control and stormwater features.

- b. A summary of the proposed construction project, including methods to stabilize soils and control sedimentation during and after construction, erosion control features, use of existing and proposed vegetation.
- c. Proposed construction schedule.
- d. Maintenance and monitoring plans, to include requirements for inspection before, during, and after storm events.

3. Major Plan (Stormwater Management Plan):

- a. The items required for a preliminary stormwater management plan, listed at subsection E2 of this section.
- b. Construction-quality drawings of all physical features of a proposed stormwater management system, including dimensions and capacities for all conveyances, retention basins, swales, and other features designed for collection, treatment, and infiltration of stormwater runoff.

b-

- c. A proposed construction schedule for the stormwater management system.
- d. A sedimentation and erosion control plan.
- e. A proposed system of maintenance and inspection schedules for the stormwater management system, designating specifically any portions which are to be conveyed to a group, association, or political subdivision for maintenance.

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4. Subdivision Preliminary Stormwater Management Plan Contents:

- a. The stamp and/or signature of the design professional who prepared the plan.
- b. A project site plan showing the entire area covered by the application, any construction sites, proposed or existing lot lines, existing drainage patterns, surface water, proposed roads, proposed stormwater easements, proposed stockpile areas, sufficient topographic information to shown contours of the land, constraining environmental conditions and areas to be covered by impervious surfaces at completion of the project.

- c. A project summary describing site characteristics, soil types, vegetative coverage; slopes, calculations of the estimated impervious surface coverage, design storm yield for the site; and proposed stormwater and erosion control features.

9-4-10: REVIEW PROCEDURES:

A. Basic and Minor Plans Filed With Applications Requiring Administrative Action Or Filed Separately From Any Administrative Permits:

1. For those plans filed with building permits or land use applications requiring administrative action, the landowner shall submit the required plan at the time of the building permit or land use application. Stand-alone plans filed separately from any permit shall be submitted prior to any land-disturbing activities. The City Engineer or designee shall review the plan for compliance with the provisions of this chapter. For those plans filed with land-use or building permits, the review shall occur concurrently with the building permit or land use file.
2. If the City Engineer or designee determines the plan complies with the standards and requirements of this chapter, the Engineer or designee shall approve the plan.
3. If the City Engineer or designee finds the plan does not comply with this chapter, the City shall advise the applicant in writing of the items required to bring the plan into compliance.
4. No building permit or land use application shall be approved until the sedimentation and erosion control or stormwater plan complies with the standards of this chapter. No ground-disturbing activity shall commence until the City has approved a stand-alone plan.

B. Minor and Major Plans Filed with Applications Requiring Public Hearings:

1. Any application, other than a preliminary plat, which is subject to the public hearing procedural requirements set forth in the City zoning regulations, shall be submitted at the same time as the land use application.
2. The City Engineer or designee shall review the plan to determine whether it complies with the standards of this chapter.
3. If the City Engineer or designee finds the plan does not comply with this chapter, the City shall advise the applicant in writing of the items required to bring the plan into compliance.

4. Once the plan is determined to comply with this chapter, the plan shall be considered by the governing body concurrently with the land use application.
5. No final approval of an application shall occur until the sedimentation and erosion control or stormwater plan is approved.

C. Subdivision Preliminary Stormwater Plans and Final Stormwater Plans:

1. The preliminary stormwater plan shall be filed concurrently with the preliminary plat application.
2. The City Engineer or designee shall review the preliminary plan to determine whether it complies with the standards of this chapter.
3. If the City Engineer or designee finds the plan does not comply with this chapter, the City shall advise the applicant in writing of the items required to bring the plan into compliance.
4. Once the plan is determined to comply with this chapter, the preliminary plan and preliminary plat shall be concurrently reviewed by affected agencies and jurisdictions and by the governing body following agency review, in accord with the procedures of the City subdivision regulations.
5. Following approval of the preliminary plat and preliminary stormwater plan and prior to any construction, grading, or clearing of the site, the applicant shall submit a final stormwater plan to the City. A copy of the applicant's Stormwater Pollution Prevention Plan (SWPPP) permit, where applicable, shall also be filed with the City at this time.
6. No construction, clearing, excavation, or grading of the site shall occur until the stormwater management plan is approved by the city engineer.
7. The subdivision shall be developed and maintained in accord with the approved stormwater management plan.
8. No final plat shall be approved by the City until the stormwater management facilities are in place and functioning as designed unless a surety in lieu of completion is accepted by the City, pursuant to the subdivision procedures of Title 11 of this code. As-built, final drawings illustrating the placement of the components of the stormwater management system shall be filed with the city prior to final plat approval.

D. Modifications To Sedimentation And Erosion Control Plans And Stormwater Management Plans: During any aspect of site preparation, development or construction, if field conditions prove to be substantially different from conditions

assumed by the design professional in the creation of a stormwater management plan or sedimentation and erosion control plan, such that designed features may not function as planned, the design professional or owner shall apply to the city for permission to make a modification to the plan. If the city engineer finds the modification is necessary and is in substantial accord with the approved plan and standards of this chapter, the engineer shall notify the design professional or owner in writing, and construction may proceed. Any such modifications approved by the city shall be shown on final drawings of the stormwater management plan on file with the Administrator.

9-4-11: GUARANTEE OF INSTALLATION:

- A. New Subdivisions: No final plat shall be signed until all required stormwater management facilities are in place and functioning as designed or until a guarantee of financial surety is provided to and accepted by the City. As built drawings are required when the facilities are completed.
- B. Building Permits: For building permits subject to the standards of this chapter, no certificate of occupancy shall be issued until the sedimentation and erosion control or stormwater plan has been fully implemented. If the Administrator finds that, due to weather conditions or other exigent circumstances, the erosion control plan cannot be fully implemented until a future time, a temporary certificate of occupancy may be issued upon a receipt of an acceptable guarantee to complete the erosion control plan implementation by a certain date.
- C. Land Use Applications: For land use applications subject to the provisions of this chapter, no use shall commence until the stormwater management system has been installed and is functioning as designed, or a suitable guarantee of financial surety is provided and accepted by the City.

9-4-12: INSPECTIONS AND CONTINUED MAINTENANCE:

Each applicant is responsible for the continued inspections and maintenance of the features of the sedimentation and erosion control and/or stormwater plan, including an acceptable plan for sustained functioning of the collection and treatment system.

9-4-13: VARIANCES:

- A. Determination; Notice To Applicant: It shall be the duty of the city engineer to determine when an applicant's request for a variation from the standards of this chapter is beyond the scope of an administrative exception as set forth at subsection 9-4-6C of this chapter. The Administrator shall inform the applicant that the request must be processed as a variance.
- B. Scope: A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of

characteristics of the site and that the variance is not in conflict with the public interest. An undue hardship shall only exist if the topography, physiography, vegetation, or geology of the site is so unique that the strict imposition of the standards of this chapter would defeat the purposes of this chapter.

- C. Prohibited Variances: No variance shall be issued where such variance would impose a burden upon adjacent landowners or divert stormwater onto adjacent lands, unless a joint management agreement is executed.
- D. Procedures: The variance application shall be considered using the standards and procedures of title 12, chapter 8 of this Code.

9-4-14: APPEALS:

Any person, group, association or body corporate which asserts that the administrator or city engineer has erred in the interpretation of this chapter or has allowed or disallowed an administrative exception in error or is aggrieved by any final determination made by the administrator or city engineer, may appeal the decision to the City Council. Such request shall be placed on an agenda for a regular meeting of the City Council, at which time the City Council may act to clarify the intent of this chapter, to uphold, modify or reverse any administrative exception or final determination made by the administrator or city engineer.

9-4-15: COMPLIANCE AND PENALTIES:

- A. Administrative Enforcement: Whenever the administrator determines that any person is in violation of any provision of this chapter, the administrator may commence an administrative enforcement action by sending a certified letter to the individual at the address shown on the current tax assessor's roll. The notice of violation shall provide details of the alleged violation and the required remedies. The city may require a response within fifteen (15) days after the written notice is mailed.

B. Emergency Corrections: The city at its sole discretion may take immediate penemergency action at the expense of the property owner to correct a violation that the city or other government agency deems as an imminent threat to the life, health or safety of the public at the expense of the property owner.

C. B-D. Remedy: If the violation is not remedied, the city has the authority to pursue such lawful actions as necessary to remedy the violation. In addition, the city may seek and recover any costs and professional service fees and construction mitigation costs incurred in the investigation, and enforcement or emergency corrections of a violation of this chapter.

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G.E. Stop Work Orders: Notwithstanding any other enforcement provisions of this chapter, the administrator or city engineer is authorized to issue a stop work order on all construction activities for noncompliance with any provisions of this chapter.

D.F. Removal of ~~Culvert Stormwater Improvements/Installations~~; Stormwater Improvements (e.g. Culvert installations, etc.) not constructed in accordance with City standards shall be removed and replaced by the applicant within fourteen (14) days of notice by the City at the expense of the property owner.

B.G. Criminal Penalty: In addition to any enforcement or remedies provided herein, violation of any of the provisions of this chapter may also be enforced as a misdemeanor, subject to penalty as provided in section 1-4-1 of this Code **LIKELY A REPEAT OF EARLIER SECTION.**

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Section 2.

Saving Clause. All ordinances or portions of ordinances repealed by this ordinance shall remain in full force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violated said ordinances prior to the effective date of this ordinance.

Section 3.

Severability. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of remaining sections.

Section 4.

Effective date. This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one issue of the official newspaper of the City of Dover, Idaho.

This ordinance passed under suspension of rules and duly enacted as an ordinance of the City of Dover, Idaho on this _____ day of _____, 2020, upon the following roll call vote:

Council Member _____

Council Member _____

Council Member _____

Council Member _____

Approved by the Mayor this ____ day of _____, 2020.

City of Dover Mayor M. E. Davis

Attest: Michele Hutchings, City Clerk

Publication of this ordinance by summary in the official newspaper is hereby approved by the Dover City Council on this _____ day of _____, 2020, upon the following vote:

Council Member _____

Council Member _____

Council Member _____

Council Member _____

Approved by the Mayor this ____ day of _____, 2020.

City of Dover Mayor M. E. Davis

Attest: Michele Hutchings, City Clerk