

Resolution No. 07-82

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO

REQUEST APPROVAL OF A STORMWATER DRAINAGE FACILITY MAINTENANCE
POLICY AND ADOPTION FOR IMPLEMENTATION BY COUNTY DEPARTMENTS

WHEREAS, pursuant to §§30-11-101(1)(e), and 30-11-107(1)(e), C.R.S., the Board of County Commissioners of El Paso County, Colorado (hereinafter "BOCC") has the legislative authority to do all other acts as it deems expedient when deemed by the Board to be in the best interests of the County; and

WHEREAS, Article §30-28-133, C.R.S., authorizes the State of Colorado and its political subdivisions to enact subdivision regulations in the unincorporated areas of the County through planning and building codes, and other regulatory documents or references as necessary; and

WHEREAS, in accordance with §30-28-133(4)(b), C.R.S., El Paso County has revised its Land Development Code and Engineering Criteria, including Stormwater Management, for the purpose of setting and revising standards for the design and construction of public improvements and common subdivision or private development, to serve new development, and for repair and reconstruction of existing public improvements, and that these standards are necessary to protect and promote public health, safety, and general welfare of the public, ensure that public infrastructure meets commonly accepted engineering standards, and provide for consistency and fairness in development review; and

WHEREAS, on December 23, 2004, the BOCC adopted the Engineering Criteria Manual (ECM) with conditions, which have been implemented; and

WHEREAS, the ECM applies to all subdividers, developers, landowners, owners of facilities located in El Paso County rights-of-way, tracts or easements, and El Paso County, and their employees, agents, or contractors designing, constructing, and maintaining facilities or conducting activities subject to review and approval under the provisions of the ECM in unincorporated El Paso County; and

WHEREAS, upon recommendation of the Planning Commission, the responsible authority for adopting these standards and providing revision to these standards, the BOCC may delegate authority to apply and interpret these standards to the ECM Administrator or other delegated staff. The ECM Administrator is the El Paso County Department of Transportation Director; and

WHEREAS, the responsible authority for application of these standards for public works, capital projects, and other non-development related engineering and construction works is the Department of Transportation Director, and the responsible authority for application of these standards regarding all development-related applications is the Development Services Department Director, or their delegated staff; and

WHEREAS, the standards presented within the ECM are the minimum requirements necessary to accomplish the purposes of the ECM, and where situations arise where the application of individual standards from the ECM will not ensure the protection of public health, safety and welfare, the ECM Administrator may require the modification of plans, specifications or operations to achieve the necessary public health, safety, and welfare; and

WHEREAS, the purpose of the Stormwater Drainage Maintenance Policy (hereinafter "Policy") is to properly manage stormwater drainage; a copy is attached hereto as Exhibit A and is incorporated herein by reference; and

WHEREAS, El Paso County is responsible for the maintenance of the road rights-of-way for all those roads accepted as public roads by El Paso County; and

WHEREAS, the BOCC having considered the Policy determines that it is in the public's best interest to approve the Policy.

NOW, THE FURTHER, BE IT RESOLVED by the Board of County Commissioners of El Paso County, Colorado, that the Stormwater Drainage Maintenance Policy is acceptable, authorized, and hereby adopted for implementation by County Departments for the purpose of properly managing stormwater drainage.

BE IT FURTHER RESOLVED that to the extent that the provisions of this Resolution conflict with any prior Board Resolutions regarding similar policies, the provisions of this Resolution shall control, subject to the appeals process to be developed as indicated.

BE IT FURTHER RESOLVED that Dennis Hisey, duly elected, qualified member and Chair of the Board of County Commissioners, or Jim Bensberg, duly elected, qualified member and Vice Chair of the Board of County Commissioners be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

AND BE IT FURTHER RESOLVED this Resolution shall become effective upon approval by the El Paso County Board of Commissioners.

DONE THIS 12th day of March, 2007, at Colorado Springs, Colorado

EL PASO COUNTY STORMWATER DRAINAGE FACILITIES MAINTENANCE POLICY

I. GOAL

It is the goal of El Paso County to clarify stormwater drainage facilities maintenance policies based on the regulations and criteria set forth in the El Paso County Engineering Criteria Manual (ECM) and Drainage Criteria Manual (DCM). Copies of these two documents may be reviewed at the El Paso County Department of Transportation (DOT) offices. The goal of these policies is to properly manage stormwater drainage within unincorporated El Paso County.

II. PURPOSE

The purpose of this document is to clarify the responsibilities for maintenance of stormwater drainage facilities for citizens, property owners, planners, developers, and El Paso County elected officials and staff. This policy is to be read in conjunction with, and shall not be construed to amend, the provisions of the El Paso County Land Development Code, the ECM, the DCM, and any other applicable laws, regulations, or policies.

III. GENERAL PROPERTY OWNER RESPONSIBILITIES

Property owners and developers are expected to design and build appropriate drainage facilities including, but not limited to, culverts, retention and detention basins, drainage swales and other improvements in accordance with the ECM and DCM. Property owners and their agents are at all times responsible for the maintenance and repair of all drainage facilities located on their property unless such responsibility has been explicitly transferred to and accepted by El Paso County according to the applicable procedure and documentation.

IV. ROADS RIGHTS-OF-WAY, AND DRAINAGE EASEMENTS

El Paso County is responsible for the maintenance of all roads and rights-of-way which have been accepted as public roads by El Paso County through the appropriate process. In addition, El Paso County is responsible for maintenance of all drainage easements when such responsibility has been duly accepted by El Paso County through a Subdivision Plat or Improvement Agreement.

- A. Rural roads are generally constructed with roadside ditches which are intended to carry runoff from the road right-of-way but are not designed or intended to convey runoff from adjacent property.
 - 1. With respect to rural roads and easements for which El Paso County has accepted responsibility, El Paso County shall be responsible for the following:
 - a. performing required drainage maintenance within the right-of-way or easement;
 - b. removing accumulated sediment and trash from roadside ditches;
 - c. cleaning, maintenance and repair of cross culverts within the roadway; and
 - d. removing sediment from ditch out locations within the right-of-way.
 - 2. El Paso County is not responsible for removing sediment from private lands.
 - 3. With respect to rural roads, adjacent property owners shall be responsible for cleaning, repairing and maintaining driveway culverts and the ditch line within ten (10) feet of both the inlet and outlet ends of each culvert.

- a. The duties imposed on property owners pursuant to this paragraph 3 shall be temporarily assumed by El Paso County only when and for the period during which El Paso County is fully rebuilding the roadway resulting in a significant change of road geometry or grade adjustments.
- B. Urban roads are generally constructed to include curb, gutter and storm drainage systems which are designed to carry the runoff from the road right-of-way, and which may also be designed to convey a defined amount of runoff from adjacent property as identified in filed subdivision drainage reports.
 - 1. With respect to urban roads and easements for which El Paso County has accepted responsibility, El Paso County shall be responsible for the following:
 - a. maintenance, repair and rehabilitation related to streets and highway maintenance;
 - b. cleaning, maintenance and repair of storm drains and drainage channels;
 - c. removal of sediment accumulations; and
 - d. street sweeping.
 - 2. El Paso County is not responsible for removing sediment from private lands.

V. DETENTION PONDS

El Paso County shall not maintain any detention pond or basin created for on-site detention or water quality purposes unless responsibility for such maintenance has been accepted by El Paso County through the appropriate process. If such responsibility is not accepted by El Paso County, it remains with the property owners or their agents.

- A. Acceptance of maintenance responsibility by El Paso County for detention ponds or basins will only be considered when the following criteria are met:
 - 1. the detention pond or basin must be identified in a master drainage plan as a public facility serving more than a single property owner as a critical feature for the public drainage system for the attenuation of flood events incorporating the water quality features meeting the requirements of the ECM and the DCM Vol.2;
 - 2. the detention pond or basin must be included within an dedicated public easement or tract in which El Paso County has been identified as the agent responsible for maintenance;
 - 3. the detention pond or basin must have a storage volume in excess of fifteen (15) acre feet; and
 - 4. any structure must meet the jurisdictional dam requirements as stated by the Colorado State Dam Safety Inspector.
- B. Detention basin maintenance agreements and easements must be approved in conjunction with El Paso County acceptance of maintenance responsibilities. Such documents shall clearly define the responsibilities of both El Paso County and private property owners or private entities related to long-term maintenance. Such documents shall also provide that in the event that property owners fail to fulfill their maintenance obligations, El Paso County may perform the required work and then seek to recover its costs.