

RESOLUTION NO. 164-2016

Date Adopted: 11-14-2016

Date Published:

Date Effective:

A RESOLUTION AMENDING SEC. 23-300 OF THE *SEDGWICK COUNTY CODE* ENTITLED STORMWATER QUALITY MANAGEMENT STANDARDS.

WHEREAS, on November 23, 2010, Sedgwick County Resolution No. 196-2010 was approved, which established the Sedgwick County Storm Water Management Code; and

WHEREAS, the Sedgwick County Storm Water Management Code generally applies to all of the unincorporated area of Sedgwick County, Kansas; and

WHEREAS, Sedgwick County has a permit with the Kansas Department of Health and Environment (“KDHE”), which, pursuant to federal law, requires water quality treatment and downstream channel protection for new developments and redevelopments that cause a land disturbance greater than or equal to one (1) acre, for all property located within an urbanized area, as defined by the 2010 United States Census; and

WHEREAS, the current Sedgwick County Storm Water Management Code exceeds what is required under the permit Sedgwick County has with the KDHE by applying the aforementioned requirement for water quality treatment and downstream channel protection to the entire unincorporated area, as opposed to merely the urbanized areas; and

WHEREAS, the Board of County Commissioners seeks to have the Sedgwick County Storm Water Management Code match the requirements of Sedgwick County’s permit with the KDHE, rather than to require additional Sedgwick County property owners to undertake water quality treatment and downstream channel protection, which by law, is not otherwise required to be undertaken; and

WHEREAS, the Board of County Commissioners of Sedgwick County deems it appropriate to modify Sec. 23-300 of the *Sedgwick County Code* entitled Stormwater Quality Management Standards.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, AMENDS SEC. 23-300 OF THE *SEDGWICK COUNTY CODE* AS FOLLOWS:

SECTION 1. AMENDMENT TO SEC. 23-300 OF THE *SEDGWICK COUNTY CODE*.

Sec. 23-300 of the *Sedgwick County Code* is amended to read as follows:

Sec. 23-300. – Stormwater quality management standards.

(a) *Applicability.*

(1) When the property is located within an urbanized area, as defined by the 2010 United States Census, water quality treatment and downstream channel protection shall be required of owners of new developments and redevelopments that cause a land disturbance greater than or equal to one (1) acre, including projects that cause a land disturbance less than one (1) acre that are part of a larger common plan of development or sale. If the property is not located within an urbanized area, no such water quality treatment and downstream channel protection is required.

(2) The requirements of division 6 of this article shall not apply to:

- i. New developments or redevelopments that have a construction plan approved by January 1, 2011, and will have completed construction of all stormwater management facilities within 90 days of January 1, 2011. This does not exempt such new developments from water quality management regulations that may be required in the future by EPA or KDHE; or
- ii. Redevelopment projects that consist solely of ordinary maintenance activities, remodeling of buildings on the existing foundation, resurfacing (milling and overlay) of existing paved areas, and exterior changes or improvements.

(b) *Water quality treatment standard for new developments.* Stormwater runoff from applicable new developments must be treated for water quality prior to discharge from the development site in accordance with the stormwater treatment standards and criteria provided in the stormwater manual.

(c) *Water quality treatment standard for redevelopments.* Owners of applicable redevelopments must adhere to one (1) of the following requirements.

(1) The total impervious cover of the property after redevelopment shall be reduced by at least twenty (20) percent from the total impervious cover of the property prior to the proposed redevelopment.

(2) Stormwater runoff from at least thirty (30) percent of the site's existing impervious cover and for one-hundred (100) percent of any new land disturbance that will result from the proposed redevelopment shall be treated for water quality

prior to discharge from the redevelopment site in accordance with the stormwater treatment standards and criteria provided in the stormwater manual.

- (3) The owner shall provide stormwater controls at an alternative location in the same watershed as the proposed redevelopment. The level of stormwater control provided shall be equivalent to what would have been provided at the proposed redevelopment for either requirement (1) or (2) above, at a minimum.
 - (4) In agreement and partnership with Sedgwick County, the owner shall provide engineering design and/or construction activities to address one (1) or more known downstream water quality or channel erosion issues located within the same watershed as the proposed redevelopment, through stream restoration and/or other off-site remedies approved by the director.
 - (5) The owner shall pay a fee in-lieu-of water quality control and channel protection control, in an amount to be determined by the county in accordance with the in-lieu-of fee schedule as adopted by the county commission of Sedgwick County, Kansas per the watershed plan which covers the redevelopment.
 - (6) Any combination of (1) through (5) above may be acceptable to Sedgwick County or any other solution(s) approved by the director that meets the intent of this chapter.
- (d) *Downstream stabilization standard.* Downstream long-term channel protection shall be provided for applicable new developments and redevelopments prior to discharge from the new/redevelopment site in accordance with the downstream stabilization standards and criteria provided in the stormwater manual.

SECTION 2. SEVERABILITY CLAUSE.

Should any section, clause or provision of this Resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION 3. PUBLICATION AND EFFECTIVE DATE.

Upon the adoption of this Resolution, the Clerk of Sedgwick County shall publish this Resolution once in the official County newspaper. This Resolution shall take effect upon publication.

Commissioners present and voting were:

DAVID M. UNRUH	<u>AYE</u>
TIM R. NORTON	<u>NO</u>
KARL PETERJOHN	<u>AYE</u>
RICHARD RANZAU	<u>AYE</u>
JAMES M. HOWELL	<u>AYE</u>

Dated this 14th day of November, 2016.

ATTEST:

KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

JAMES M. HOWELL, Chairman
Commissioner, Fifth District

RICHARD RANZAU, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

DAVID M. UNRUH
Commissioner, First District

TIM R. NORTON
Commissioner, Second District

KARL PETERJOHN
Commissioner, Third District