

TITLE 28. STORMWATER AND MUDFLOW
Chapter 28.01

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INTRODUCTION

Sec. 28.01.010 Introduction

It is hereby determined that:

Construction and development activities, and their associated changes to land cover, alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;

Construction and development activities also contribute to increased nonpoint source pollution and degradation of receiving waters;

The impacts of development-related stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures;

Localities in the State of Colorado are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution these include the Federal Water Pollution Control Act, the Federal Water Quality Act, and the Colorado State Water Quality Standards;

Therefore, the City of Aspen establishes this set of stormwater management policies to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from construction and development activities and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

Sec. 28.01.020 Purpose

The purpose of this Title is to protect, maintain and enhance the health, safety, and welfare of the watersheds and public residing in watersheds within this jurisdiction by establishing minimum requirements and procedures to control the adverse effects mudflow and of increased effects of post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff and mudflow will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources.

This Title seeks to meet that purpose through the following objectives:

- (1) Minimize increases in stormwater runoff from any development in order to reduce flooding, erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- (2) Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- (3) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
- (4) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.
- (5) Minimize the impact of a mudflow event to the maximum extent practicable.

Sec. 28.01.030 Applicability

This Title shall be applicable to all construction or development activity, including but not limited to subdivision, building permit, or site plan applications, unless eligible for an exemption or granted a waiver by the City of Aspen. The Title also applies to construction or development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct construction or development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by City staff to ensure that stormwater management measures and controls will be maintained during and after development of the site.

Sec.28.01.040 Compatibility with Other Permit and Code Requirements

This Title is not intended to interfere with, abrogate, or annul any other municipal code, rule or regulation, statute, or other provision of law. The requirements of this Title should be considered minimum requirements, and where any provision of this Title imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Chapter 28.02

STORMWATER AND MUDFLOW DESIGN MANUAL

Sec. 28.02.010. Adoption of Urban Runoff Management Plan.

Pursuant to the powers and authority conferred by the Charter of the City, there is hereby adopted and incorporated herein by reference as if fully set forth those regulations contained in the Urban Runoff Management Plan (Manual), as may be amended from time to time by the City Engineer. At least one (1) copy of the aforementioned Manual shall be available for public inspection at the Community Development Department and Engineering Department.

Sec. 28.02.020. Use of Urban Runoff Management Plan

The City of Aspen shall use the policies, criteria and information including specifications and standards in the latest edition of the Urban Runoff Management Plan (Manual) for the proper implementation of the requirements of this Title. The Manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience.

The Manual shall include a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Manual also includes criteria for managing mudflows. The Manual may be updated and expanded from time to time, at the discretion of the local review authority, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria shall be presumed to meet the minimum water quality performance standards.

Sec. 28.02.030. Applicability.

The Urban Runoff Management Plan, as adopted pursuant to Section 28.02.010, shall apply to all construction, development or redevelopment activity within the City; provided, however, that the City Engineer may waive one (1) or more specific provisions of the Urban Runoff Management Plan. Requests for waivers and any waivers granted by the City Engineers shall be in writing.

Chapter 28.03

Stormwater Fees

Sec. 28.03.010. Definitions.

For the purposes of this Chapter, certain words or phrases are defined as follows:

- (a) Development. The proposed development creates at least one-thousand (1000) square feet of new impervious area.
- (b) Redevelopment. The proposed development disturbs at least one-thousand (1000) square feet of the existing impervious area.

Sec. 28.03.020. Fee-in-Lieu of Detention.

- (a) A stormwater fee-in-lieu of detention shall be established which shall be applied and available as an alternative to the construction of on-site detention as required by Sec. 28.02.010 to all properties within the boundaries of the City of Aspen at the time of development or redevelopment of the property. The basis of this fee is set forth in Section 2.12.140.
- (b) A developer will not have the option to pay a fee-in-lieu of constructing a stormwater detention facility if, in the opinion of the City Engineer, undetained runoff from the development may materially adversely exacerbate an existing problem or may adversely impact a downstream property.

[\(Ord. No. 15-2011 §4\)](#)