



MEMORANDUM

TO: Ordinance Revisions Committee

FROM: Alexis DiLeo, Principal Planner and Julia Shake, Associate Planner

DATE: June 25, 2025

SUBJECT: Ordinance Revisions related to Section 5.22 Stormwater Management and Soil Erosion

Introduction

Staff share ordinance revisions prepared jointly by Planning and Systems Planning staff related to stormwater management systems review responsibility. Section 5.22.3.A Review Responsibility (of Stormwater Management Systems) is proposed to be amended so that only sites within the jurisdiction of the Water Resources Commissioner must be reviewed by that office and all other sites are the responsibility of the City of Ann Arbor. Then, a reorganization of the section is proposed for improved clarity.

Proposed Amendments

See attached.

Comments

1. Currently, in addition to sites within the jurisdiction of the WCWRC, sites under multiple-ownership or involving multiple parcels are required to be reviewed by the WCWRC. The proposed amendment will only require WCWRC review for sites within WCWRC jurisdiction. All other sites shall be reviewed by the City of Ann Arbor but can be delegated back to WCWRC depending on circumstances.
2. This amendment aligns responsibility solely along geographical considerations rather than land use types or development circumstances. It is a cleaner approach and does not obligate an agency to operate outside of their jurisdiction while not preventing voluntary cooperation.
3. This amendment also introduces more headings into the section for easier navigation. Stormwater Management and Soil Erosion will become distinct sections and each will have intuitive subheadings for regulations.

AN ORDINANCE TO AMEND SECTIONS 5.22.3 AND 5.37.2.R OF CHAPTER 55
(UNIFIED DEVELOPMENT CODE) OF TITLE V OF THE CODE OF THE CITY OF ANN
ARBOR (Stormwater Management and Soil Erosion)

The City of Ann Arbor ordains:

Section 1. That Section 5.22 of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

5.22 Stormwater Management and Soil Erosion

No Person shall conduct activity for which a permit under this Section 5.22 or related Section 5.29.3 is required without first having obtained the required permit. After the permit has been obtained, no Person shall conduct any activity in violation of any condition of that permit, or without having the permit and plans on Site. Throughout this section, the Washtenaw County Water Resources Commissioner, and the Commissioner's office, are referred to as "WCWRC".

1. Purpose

- A. The City Council recognizes and is concerned that excessive quantities of soil are eroding from certain areas that are undergoing Development for non-agricultural uses such as housing developments, industrial areas, recreational uses, and roads. This Erosion makes necessary costly repairs to gullies, washed out Fills, roads, and embankments. The resulting Sediment clogs storm sewers and road ditches, muddies Watercourses and silts-in lakes and reservoirs, and is considered a major water pollutant, which degrades the natural environment within its jurisdiction and is costly to remedy.
- B. Water quality and quantity within the water resources of the City is a public concern. As the City is developed, natural vegetation is removed and replaced with Impervious Surfaces. As a result the hydrology of Watercourses, ponds and Wetlands is changed. These changes in quantity, speed, and timing of water runoff transform Ann Arbor's Watercourses. As the volume and speed of water increases, so does the erosive action of runoff on hillsides, stream banks and bottoms. As more soils are transported down waterways and as more damage occurs to stream banks and bottoms, natural systems are destroyed or diminished throughout the watershed. Urban activity also contaminates the land's surface. Contaminants are carried with runoff into all aquatic habitats, where they poison wildlife and contribute to the decline of aquatic resources. For people, the combination of these effects diminishes the quality of drinking water, inhibits healthy fisheries, reduces recreation and lessens scenic beauty. The City recognizes the relationship between land use and water quality; and by doing so, desires to control non-point source water pollution. Strategies to control stormwater quantity are different from the strategies to improve water quality. This section intends to improve the effectiveness of Stormwater Management Systems, bring greater effort to control the sources of runoff, and to improve water quality.

- C. The purpose of this Section 5.22 is to control soil Erosion and the resulting Sediment; and to control the impact on water quality and quantity resulting from Development and Impervious Surfaces within the City by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience and general welfare of the community. Compliance with Part 91 of Act No. 451 of the Public Acts of 1994, as amended, (MCL 324.9101 to 324.9123) and the rules promulgated under this part of the Michigan Compiled Laws, is fully intended.

2. Stormwater Management

A. Compliance Applicability

A Stormwater Management System meeting the criteria of Section 5.22.3 is required for:

1. Any form of construction or removal or disturbance of any Natural Feature that requires approval for any site plan, final preliminary plat, or PUD site plan.
2. When a Grading Permit is required but not a site plan, final preliminary plat, or PUD site plan, except Grading Permits solely for vegetation clearing, Building demolition, removal of Impervious Surfaces, or other activities approved by the PSA Administrator.

B. Stormwater Management Systems Review

C. Review Responsibility

A. WCWRC

~~For Sites within the jurisdiction of the WCWRC shall be reviewed by the WCWRC Office.; or Sites with existing or proposed Stormwater Management Systems under multiple ownership or for multiple parcels, including but not limited to site condominiums; or residential developments containing greater than four Dwelling Units within two or more detached Structures; or Sites with Stormwater Management Systems serving more than one parcel.~~

1. City of Ann Arbor

Any site that is not in the review responsibility of the WCWRC per paragraph 1 above shall be reviewed by the City of Ann Arbor, which can be delegated to the WCWRC if determined by the PSA Administrator to have complicated or extenuating circumstances such as, but not limited to, sites with existing or proposed stormwater management systems under multiple ownership or maintenance responsibilities or sites with stormwater management systems serving more than one parcel.

D.C. Requirements

A Stormwater Management System shall be provided based on the requirements provided in Table 5.22-1.

TABLE 5.22-1: STORMWATER MANAGEMENT REQUIREMENTS

SITE TYPE	REVIEW RESPONSIBILITY	SITE AREA	IMPERVIOUS AREA IMPACT	STORMWATER MANAGEMENT REQUIREMENT	EXCEPTIONS OR ALTERNATIVES
SINGLE AND TWO-FAMILY RESIDENTIAL	CITY	Any size	Adding 200 sq. ft. or more of Impervious Area	First flush for the total net increase in Impervious Surface, and all downspouts directed to vegetated areas or approved point in compliance with Chapter 100 of City Code "Drainage Nuisances and Complaints" section.	Not required for new homes in a site planned development with compliant development-wide system.
	WCWRC	Any size	Not applicable	As required by the Rules of the WCWRC.	As provided by the Rules of the WCWRC.
ALL OTHER TYPES	CITY	Over 1 acre (>43,560 sq. ft.)	Not applicable	As required by the Rules of the WCWRC.	See Section 5.22.3E
		1 acre or less (≤43,560 sq. ft.)	No net increase in Impervious Area	Not required with Site Plan for Planning Manager, as required by the Rules of WCWRC for Site Plans for Planning Commission or City Council.	See Section 5.22.3E
			Any increase in Impervious Area	As required by the Rules of the WCWRC.	See Section 5.22.3E

E.D. Standards and Procedures of ~~City of Ann Arbor Review Responsibility~~

Applicable Sites within the City of Ann Arbor review ~~responsibility~~ shall provide a Stormwater Management System meeting the design criteria stated in the Rules of the WCWRC as provided in Table 5.22-2 unless an alternative as provided in paragraph E below is approved.

TABLE 5.22-2: STORMWATER MANAGEMENT THRESHOLDS (~~CITY OF ANN ARBOR REVIEW RESPONSIBILITY~~)

IMPERVIOUS AREA	STANDARD
Less than 10,000 sq. ft.	Retention/infiltration of first flush storm event.
10,000 sq. ft. or more and less than 15,000 sq. ft.	Retention/infiltration only of first flush and detention only of bankfull events.
15,000 sq. ft and greater	Retention/infiltration of the first flush, and detention of bankfull and 100-year storm event. Detention facilities for the 100-year storm event shall include a sediment forebay.

- A. On a Site that requires the installation of a Stormwater Management System, the facility shall be installed and stabilized prior to the issuance of building permits. The PSA Administrator may deem it necessary to modify the timing of installation of the facility when conditions, such as a facility that is integral to the Structure of a new Building, prevent installation prior to building permits. As-built verification from a Professional Engineer shall be submitted to the PSA Administrator for approval prior to issuance of any certificate of occupancy. The as-built verification shall include: elevations and volumes, outlet sizes and

elevations, Stabilization information, and signature and seal of the Professional Engineer.

- B. Existing Wetlands shall not be modified for the purposes of Stormwater Management Systems unless it is determined that the existing Wetland is not regulated by Sections 5.23 and 5.29.4. Where modifications to Wetland areas are allowed, the existing storage shall be maintained and shall not count toward meeting the requirements of this section.
- C. When residential Lots or units are proposed to be created, the runoff coefficients shall take into account the future Impervious Surfaces of these building Sites within the stormwater management calculations.
- D. Stormwater Management Systems facilities shall be designed so that any discharge of stormwater from the facility, which does not empty directly into a drain, shall be converted to sheet flow over the ground through the use of an energy dissipater, in a manner which will preclude Erosion, or other approved method as determined by the PSA Administrator.
- E. Prior to the issuance of a Grading Permit, the development of the Stormwater Management System shall provide the City with an agreement, satisfactory to the City Attorney, that if maintenance is not performed to the reasonable satisfaction of the PSA Administrator, the City may, after posting reasonable notice, on the Site, perform the maintenance activities and charge all costs to the benefited properties. If the costs remain unpaid for 60 days, the City may assess those costs to the benefited properties as a single lot assessment under City Code Section 1:292.

F.E. Approval

1. When Reviewed by WCWRC Review Responsibility

Stormwater Management Systems reviewed by the WCWRC shall receive preliminary plan approval from the WCWRC prior to site plan, final preliminary plat, or PUD site plan approval by the City, and a permit or letter of final plan approval from the WCWRC shall be obtained prior to issuance of a Grading Permit by the City.

2. When Reviewed by City of Ann Arbor Review Responsibility

Stormwater Management Systems reviewed by the City of Ann Arbor shall be reviewed and receive approval from the PSA Administrator, or their designee.

G.F. Alternatives

When Site constraints make it infeasible to meet the requirements provided in Table 5.22-2, the PSA Administrator may approve an alternative standard if each of the following conditions are met:

- A. Control of the first flush storm event has been provided.
- B. A determination is provided by a Professional Engineer that Stormwater Management Systems will be provided on-site to the maximum extent feasible and that it is not feasible to provide any additional detention

volume due to Site constraints including but not limited to groundwater conflicts, soil contamination, existing Building(s) or protection of Natural Features.

- C. The proposed method of stormwater management is consistent with the intent of this section and the goals of the Rules of the WCWRC, as determined by the PSA Administrator.
- D. The proposed method of stormwater management and reason for not meeting the full detention volume is documented on a Grading Permit, site plan, final preliminary plat, or PUD site plan.

5.22.3 Soil Erosion

A Grading Operation Responsibility

Any Person engaged in Grading operations and/or the permittee shall be responsible for:

1. Installing Temporary Soil Erosion and Sedimentation Control Measures before any Earth Change activity, and maintaining the measures on a daily basis.
2. Preventing damage to any public utilities or the interruption of utility services within the limits of Grading and along any routes of travel of the equipment.
3. Preventing damage to adjacent property. No Person shall Grade land so close to the Lot Line as to endanger any adjoining public Sidewalk, Alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.
4. Carrying out the proposed work in accordance with the approved plans, and sequence of construction, and in compliance with all the requirements of the permit and this Section 5.22 .
5. Immediately removing all soil, miscellaneous Debris or other material applied, dumped, tracked, or otherwise deposited on streets, Highways, Sidewalks, Stormwater Management Systems, or public thoroughfares during transit to and from the construction, when such spillage constitutes a public nuisance or Hazard. The construction of a Haul Road or other approved vehicle cleaning method may be required by the ~~City Planning Manager~~ PSA Administrator to prevent the spread of Debris.
6. Designing, constructing, and completing Earth Changes in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time, within the approved construction sequence.
7. Designing, installing and maintaining soil Erosion and Sedimentation Control Measures to remove Sediment caused by Accelerated Soil Erosion from runoff water before it leaves the Site of the Earth Change.
8. Designing and constructing temporary or permanent measures for the conveyance of water around, through or from the Earth Change area to limit the water flow to a Non-Erosive Velocity.

9. Grading and stabilizing Earth Change areas with Permanent Soil Erosion and Sedimentation Control Measures, and removing Temporary Soil Erosion and Sedimentation Control Measures.

10. Installing Permanent Soil Erosion and Sedimentation Control Measures for all slopes, channels, ditches or any disturbed land area within five calendar days after final Grading or the final Earth Change has been completed. All Temporary Soil Erosion and Sedimentation Control Measures shall be maintained until Permanent Soil Erosion and Sedimentation Control Measures are implemented and the disturbed land areas are stabilized and approved.

11. Making the approved plans and permit available for inspection at all times at the Site of the Earth Change.

12. Conducting Earth Changes in such a manner that will effectively reduce Accelerated Soil Erosion and resulting sedimentation.

B. Maintenance Standards

Persons carrying out soil Erosion and Sediment control measures under this chapter, and all subsequent owners of property upon which such measures have been taken, shall maintain all permanent anti-Erosion devices, retaining walls, Structures, plantings and other protective devices.

C. Liability

Neither the issuance of permits, under the provisions of this chapter, nor the compliance with the provisions of this chapter, or with any condition imposed by the [Planning Manager City](#) under this chapter, shall relieve any Person from the responsibility for damage to any Persons or property otherwise imposed by law, nor impose any liability upon the City for damages to Persons or property.

Section 2. That Section 5.37.2.R Specific Terms of Chapter 55 (Unified Development Code) of Title V of the Code of the City of Ann Arbor be amended as follows:

Rules of the WCWRC

The Rules of the Washtenaw County Water Resources Commissioner, Procedures and Design Criteria for Stormwater Management Systems, [October 17, 2016 \(Section III revised 1/1/23\)](#), ~~dated May 15, 2000.~~

Section 3. This ordinance shall take effect and be in force on and after ten days from legal publication.