Legislation Details (With Text)

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Title: Resolution to Approve Modifications to Developer Offset Mitigation (DOM) Program Requirements

Sponsors:

Indexes:

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Attachments: 1. 2003 Resolution_Council Packet.pdf, 2. SSWWE Project Areas

Date	Ver.	Action By	Action	Result
6/15/2015	1	City Council		
6/15/2015	2	City Council	Amended	
6/15/2015	2	City Council	Approved as Amended	Pass
6/15/2015	2	City Council	Referred	Fail

Resolution to Approve Modifications to Developer Offset Mitigation (DOM) Program Requirements
Attached for your review and consideration is a resolution to approve modifications to City's Developer Offset Mitigation (DOM) Program.

DOM was established on August 18, 2003 by Council Resolution R-362-8-03 to limit the potential for development sites exacerbating sanitary sewer backups or sanitary system surcharging during wet weather rain events. At the time DOM was established, the City was working to remove wet weather flows from the sanitary system in response to sanitary basement backups that occurred in various locations during large storm events in 1998 and 2000. This effort was mainly being implemented through the City's Footing Drain Disconnection (FDD) program established in 2001.

DOM requires developments that are creating new flow into the City's sanitary system to effect a net reduction in flow to the sanitary system. Applicable development projects must remove 120% of the estimated net new flow contribution from the development into the sanitary system.

The City recently completed the Sanitary Sewer Wet Weather Evaluation (SSWWE) project. Using over ten years of data, the SSWWE project evaluated the effectiveness of the FDD program at removing wet weather flows, assessed the future risk of basement backups, evaluated alternatives, and set direction for addressing the identified future basement backup risk. Among the project's findings was that the FDD program has significantly reduced the risk of basement backups in the five target, or focus areas, of the program. The evaluation also identified five additional potential wet weather problem areas in the system.

With the findings, the SSWWE project's Citizens Advisory Committee (SSWWE CAC) recommended to the City:

1. DOM should continue, but with modifications
2. Allow mitigation City-wide with provisions for sites upstream of the five SSWWE project areas
3. Revise the design flow rates
4. Eliminate the 20% Recovery Factor
5. Allow in-lieu payments
6. Eliminate the 24-month requirement for a developer to use DOM credits
7. Re-evaluate DOM periodically and identify other high risk areas as they appear

The attached resolution authorizes modification of the DOM requirements for recommendations 1, 2, 4 and 6. Modifications in response to recommendations 3 and 5 will be presented at a future date after staff, with input and engagement from developers, provides the principals and details for City Council consideration. Recommendation 7 does not require Council action.

An additional DOM modification included in the attached resolution is to expand the allowed practice of banking and trading of mitigation credits for development sites, including allowing banking and trading for developments that are upstream of the five SSWWE project areas. If the city has completed footing drain disconnections in the area(s) where a development's mitigation is required to occur, there may be opportunities for trading these disconnections with the developer for mitigation the developer performed outside of the required mitigation area. Banking and trading is allowed under specified guidelines and has not been utilized in the past for development sites upstream of capacity challenged locations in the sanitary system. Modifying the guidelines by allowing developments upstream of the five SSWWE project areas to bank and trade mitigation credits provided that the development's flow additions during wet weather events will not put the system at risk for basement backups, or sanitary sewer overflow (SSO).

Budget/Fiscal Impact:
It is anticipated that the proposed DOM program modifications will not affect the staff effort to verify, document and track developer mitigation and so there are no budget impacts related to this resolution.

Sustainability Framework
The DOM program and the modifications as proposed, furthers the Safe Community, Economic Vitality and Sustainable Systems goals of the City's Sustainability Framework.

Prepared by: Cresson Slotten, Systems Planning Manager
Reviewed by: Craig Hupy, Public Services Area Administrator
Approved by: Steven D. Powers, City Administrator
Whereas, On August 18, 2003 City Council approved Resolution R-362-8-03 establishing the Developer Offset Mitigation (DOM) program;

Whereas, The DOM program was established to limit the potential for development sites exacerbating sanitary sewer backups or sanitary system surcharging during certain wet weather rain events;

Whereas, Among the findings of the recently completed Sanitary Sewer Wet Weather Evaluation (SSWWE) project were that the City's Footing Drain Disconnection (FDD) program has significantly reduced the risk of basement backups during wet weather events, but that five potential problem areas for wet weather issues still exist in the system; and

Whereas, The SSWWE project's Citizens Advisory Committee (SSWWE CAC) and City staff recommend that certain modifications be made to the current DOM program;

RESOLVED, That the following modifications to the requirements of the DOM program are approved:

- Development sites may perform their mitigation anywhere in the City unless it is located upstream of one of the five SSWWE project areas in which case the mitigation must be performed upstream of the SSWWE project area (the Contributing Upstream Area), thereby removing the "80/20 location requirement" from the DOM program.

- Development sites upstream of one of the five SSWWE project areas may perform mitigation outside the Contributing Upstream Area and receive credit for footing drain flow removal previously performed by the City in the Contributing Upstream Area, if not previously credited to another development and the development's flow additions during wet weather events will not put the system at risk for basement backups, or sanitary sewer overflow (SSO).

- The requirement for the 20% System Recovery Factor is reduced to 10%.

- Flow mitigation that has been performed after January 1, 2015, and verified and documented by the City but not assigned to a particular development may be credited to a specific development without being subject to an expiration period.

RESOLVED, That these modifications become effective at the time of Council approval;

RESOLVED, That the City Administrator be authorized to sign amendments to development agreements that modify mitigation terms to be consistent with this resolution, subject to approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take the necessary administrative actions to implement this resolution.

As Amended by City Council on June 15, 2015.

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