

Summary of Substantial Changes to Chapter 28 (Stormwater) **Boone County Zoning Regulations**

General: Changed all Boone County Public Works to Boone County Resource Management

Section 28.1. General Provisions

28.1.3 Applicability

- Heading changed to Stormwater Management Applicability
- 28.1.3(1): Changed to read, “*All new development.*”
- 28.1.3(5): Added to read, “*See Section 28.8.3 for Land Disturbance Permit applicability.*”

28.1.4 Exemptions

- 28.1.4(5): Any part of a land development was changed to any recorded plat of record... including but not limited to the following:
 - a. Changed to: “*Any recorded plat of record that was approved by the Boone County Planning Department prior to the effective date of this ordinance. This exemption does not include development and/or construction on platted lots that are contained within plats including lots within plats prior to April 15, 2010. Questions on the applicability thresholds in Section 28.1.3.*”

Section 28.2. Definitions

1. Moved to Section 2 Boone County Zoning Regulations
2. Changed definition of Building, County Commission, Director and Grading to match Boone County Zoning Regulations Section 2 Definitions
3. Added definitions for
 - Clean Fill
 - Common Promotional Plan
 - Common Plan of Development
 - Losing Stream
4. Revised definitions for
 - Phasing
 - Redevelopment
 - Riparian Zone/Riparian Buffer

Section 28.3. Plan Submittal/Review Requirements

28.3.6 Coordination with other Approvals and Permits

- 28.3.6(1): Approval of Other Permits: Added, “...and all applicable financial securities, agreements, easements, permits, etc.” to end of paragraph.
- 28.3.6(3): Other Permits or Approvals May Be Needed: Added, “...and MO DNR land disturbance permit.” to the end of third sentence.

28.3.7 Maintenance Agreement and Plans

- 28.3.7(1): Changed to read, “Responsible Party: The owner shall be responsible for the operation and maintenance of any measures required by the stormwater management construction plan and shall pass such responsibility to any successor owner, unless such responsibility is accepted by the County.”

Section 28.4. Performance Criteria for Stormwater Management

28.4.1 General Stormwater Management Criteria

- 28.4.1(6): Added, “The lot containing the stormwater facility shall have road frontage and provide vehicular access to the stormwater facility.”
- 28.4.1(7): Added, “Prohibited Location of Stormwater BMPs: Stormwater BMPs shall not be located in locations that present conflicts such as utility easements, access easements, rights-of-way, etc.”

28.4.4 Stormwater Quantity & Quality Control

- 28.4.4(2)B: Added, “If stormwater treatment credit is to be acquired by means of sheet flow through established vegetation, the area of established vegetation is to remain undisturbed.” to the end of the paragraph.
- 28.4.4(3): Changed heading to Stormwater Flow and Release Rate Criteria.
 - 28.4.4(3)A: Changed to: “Tier 1 Performance Criteria: sites having less than five (5) acres of land disturbance AND less than 20% imperviousness...”
 - 28.4.4(3)B: Paragraph three (3): subheading added to read, “Channel Protection Criteria”
 - 28.4.4(3)B: Paragraph four (4): Moved Flood Control Criteria from 28.4.4(4)
 - 28.4.4(3)B: Paragraph four (4): Removed zoning districts from last sentence.
 - 28.4.4(3)B: Paragraph six (6): Revised micro-detention to read, “In an effort to encourage micro-detention and utilize stormwater BMPs to detain stormwater, the difference (increase) in the runoff volume that is predicted due to the development during the 2-year event will be stored and released at no more than 0.1 cfs/acre, and the difference (increase) in the runoff volume that is predicted due to the development during the 25-year event will be stored and released at no more than 0.17 cfs/acre...”

- Moved the remainder of Section 28.4.4(4) under 28.4.4(3)B.
- 28.4.4(4) Changed to read, *“For residential subdivisions that do not fall under the Tier 2 requirements, water quality treatment will be required for all paved, shared drives. Any known downstream flooding problems shall be addressed, or detention will be required.”*

28.4.5 Redevelopment Criteria

- 28.5.1 subheading created for first sentence under Redevelopment Criteria heading.
 - 28.5.1(2)B Deleted.
 - 28.5.1(7) Added, *“Redevelopment projects are not subject to stormwater detention requirements unless there are known downstream issues per Section 28.4.5(5) above.”*
- Added subsection 28.4.5.2 *“Redevelopment projects that will exceed a 50% increase in impervious surface will be subject to stormwater detention requirements (Section 28.4.4(3)) for all new impervious surface.”*

28.4.6 Environmentally Sensitive Areas

- 28.4.6(1) Enhanced Criteria
 - 28.4.6(1)D: Changed to *“Runoff source within 1,000 feet of and discharging to a groundwater point recharge feature...”*
 - 28.4.6(1)E: Added, *“Runoff that discharges within an identified cave recharge area, with highly permeable soils, as determined by the Director.”*
- 28.4.6(5) Buffer zone Widths
 - 28.4.6(5)D: Clarified buffer width of losing streams.
- 28.4.6(7) Sinkhole Criteria
 - 28.4.6(7)A: Added onsite sinkholes
 - 28.4.6(7)B: Added onsite sinkholes
 - 28.4.6(7)B(iii): Added downstream from and within 1,000 ft of the development area
 - 28.4.6(7)D: Removed, *“The immediate sinkhole drainage area (or portion thereof) which cannot be provided with an alternative drainage system can be deleted from the development area for calculations utilizing this information to meet regulatory requirements.”*
 - 28.4.6(7)E(i): Changed to read, *“Stormwater discharges or drainage that meets criteria from Section 28.4.6.1.”*
 - 28.4.6(7)E(iii): Changed to read, *“The runoff entering the sinkhole must be shown to be no greater in flow or in quantity than that of which existed before development.”*

- 28.4.6(7)F: Removed points i. and ii. Added new language regarding sinkhole disturbances.

Section 28.5. Construction Site Runoff Control

25.5.2 Clearing and Grading

- 28.5.2(5): Phasing statement removed
- 25.8.2(5): Added to end: *“The permit holder and/or property owner is/are responsible for removal of any sediment or other construction debris tracked onto public streets by construction vehicles or obstructing storm drains.”*

28.5.3 Clean Fill requirements added.

28.5.4 Phasing Requirements added.

Section 28.6. Ongoing Maintenance for Stormwater BMPs

28.6.6 Required Easements

- 28.6.6(1): Width of closed stormwater conduit changed from fifteen (15) to sixteen (16) feet.
- 28.6.6(3): Not to exceed limits added for longitudinal slope and cross slopes for access easements to and around Stormwater BMP facilities.

Section 28.7. Illicit Discharge Detection and Elimination

None

Section 28.8. Permits

28.8.3 Land Disturbance Permit

- 28.8.3(3): Added section about when a State of Missouri permit is required
- 28.8.3(4): Removed permit renewal length

28.8.4 Title changed to Erosion and Sediment Control Financial Security.

- 28.8.4(1) Removed list of acceptable financial securities and replaced with, *“in a form that is acceptable to the County Commission.”*
- 28.8.4(1) Removed *“For land disturbance permits where no other security is required, the only type of security which will be accepted will be a cash bond.”*

Added Section 28.8.5 Permanent Stormwater Best Management Practice Financial Security

28.8.5(1) Pursuant to Section 1.7.5 of the Subdivision Regulations of Boone County, Missouri, in order to permit the developer to obtain final acceptance of the subdivision final plat and to assure the County of final completion of required permanent stormwater best management practice (BMP) improvements, the developer may post a financial security of not less than 150% of the value of permanent stormwater BMP measures, which are part of the SWPPP.

28.8.5(2) *Term of Financial Security: Any portion of the security not expended or retained by the County hereunder shall be refunded to the applicant within sixty (60) days of closing of the Land Disturbance Permit, after stormwater improvements are completed in compliance with these regulations.*

28.8.6 Fees

Fee schedule to be determined by County Commission.

28.9 Violations, Enforcement & Penalties

28.9.1 Violations & Penalties for Permits

- 28.9.1(2)A: Changed 45 days to 14 days for Stormwater Discharge Permit remediation
- 28.9.1(3)A: Added “*A permit fee of twice the amount of the required permit(s) will be assessed*” when engaging in activity requiring a permit without first obtaining permit.

28.9.3 Temporary Abeyance of Development Approvals and Permits

- Section will become effective with revision
- 28.9.3(1)B: Note from 28.9.3B(1) moved here.
- 28.9.3(1)E(2): Pre-imposition Review – clarified 10 business days, forms provided by the director, accompanied by supporting documentation.
- 28.9.3(2)C(1): Removal of a Temporary Abeyance: clarified “adequately bonded” to mean 150% of the value of mitigation costs.