



Town of Castle Rock

Agenda Memorandum

Agenda Date: 11/16/2021

Item #: 15. File #: TMP 2021-896

To: Honorable Mayor and Members of Town Council

Through: David L. Corliss, Town Manager

From: Mark Marlowe, P.E., Castle Rock Water Director
David Van Dellen, Stormwater Manager

Resolution Approving the Intergovernmental Agreement Between the Douglas County School District and the Town of Castle Rock Regarding the District's Compliance with the Town's MS4 Stormwater Discharge Permit Requirements [Item applies to current and future Douglas County School District facilities within the Town boundaries]

Executive Summary

The purpose of this memo is to request Town Council authorization of a Resolution approving an Intergovernmental Agreement (IGA) between the Douglas County School District (District) and the Town of Castle Rock (Town), regarding a Municipal Separate Storm Sewer System (MS4) Participation Agreement (see **Attachment 1**). The District is under a Non-Standard MS4 Permit with the State which allows for their agency to delegate portions of their permit requirements to the Town for facilities owned and operated by the District within the boundaries of Castle Rock. Under this agreement, the Town will be authorized to administer the Construction and Post-Construction Runoff Control Programs on behalf of the District on all District owned sites within Town limits. All other aspects of the District's MS4 Permit will remain under their authority and responsibility. There are twenty properties, including a portion of Douglas County High School, that will be influenced by this agreement. The agreement goes into effect immediately and will apply to all new and existing development activity on District property. The Town will recuperate costs associated with this Agreement through Development Fees and Stormwater Monthly Charges.

Notification and Outreach Efforts

Since this action does not impact Castle Rock residents, no notification or outreach efforts have been undertaken.

History of Past Town Council, Boards & Commissions, or Other Discussions

This item was reviewed with the Castle Rock Water Commission at the October 27, 2021, meeting. Commission members were generally supportive of the agreement from a conceptual standpoint.

Discussion

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The Town takes on no additional responsibility under the Town's MS4 Permit beyond what is already in place through code, development procedures and MS4 Permit requirements for private property in the Town of Castle Rock. The District accepts responsibility to assure compliance with the Town's regulations for all development activity related to stormwater quality and maintenance of stormwater facilities on their property. The Town will provide the District with documentation on permit activity that applies to their properties for annual reporting purposes. As part of this Agreement, the District grants the Town access to all District properties for the purpose of administering the Construction and Post-Construction programs. The District further agrees to grant drainage easements on all stormwater facilities required under the MS4 Permit on future development projects. Under this Agreement, the District will remain responsible for all maintenance of stormwater facilities on their property. The Town assumes responsibility to inspect and notify the District of any deficiencies in operation and maintenance of required facilities on their property. In the event that the *District fails to maintain their stormwater facilities, the Town has the right to complete the work and charge the District at 125% of the cost of the work.*

Budget Impact

The District will be subject to all development review and inspection fees in accordance with the Development Fee Schedule. This revenue covers the cost to inspect and administer the Post-Construction oversight program on District owned property. These activities have historically been administered by the Town under a voluntary understanding between parties, and this agreement ratifies this working relationship. The District is also subject to Stormwater Monthly Service Charges. The estimated annual revenue received from the District to the Stormwater Enterprise is \$180,000 of which a portion goes toward overseeing the MS4 permit activities associated with District properties. In the event that development occurs on District property, these activities are subject to development review and inspection fees to cover the cost of service to ensure compliance with Town code, a portion of which applies to MS4 related activities. These fees range from \$250 to over \$15,000 depending on the site and type of project. A nominal cost associated with compiling documentation for annual reporting is required in addition to other private properties however this is a nominal cost that can easily be accounted for through the overall program.

Staff Recommendation

Staff recommends approval of the Resolution approving an Intergovernmental Agreement between the Douglas County School District (District) and the Town of Castle Rock (Town), regarding an MS4 Participation Agreement.

Proposed Motion

"I move to approve the resolution as introduced by title."

Alternative Motions

"I move to approve the resolution as introduced by title, with the following conditions: (list conditions)."

"I move to continue this item to the Town Council meeting on _____ date to allow additional time to (list information needed)."

Attachments

Attachment 1: Resolution approving an Intergovernmental Agreement between the Douglas County School District (District) and the Town of Castle Rock (Town), regarding an MS4 Participation

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Agreement

Exhibit 1: Douglas County School Dist. IGA for MS4 Permit Services