December 23, 2022

RE: Stormwater Conveyance - Notification of Adjacent Property Owners

Property Owners and Developers:

The intent of this letter is to provide information to property owners who will receive stormwater flow from an adjacent developing property. The letter explains what a stormwater drainage system is, why coordination between adjacent properties is necessary, and the authority by which the City must allow the conveyance of stormwater from one property to another. This letter represents an initial step to provide coordination between owners and is accompanied by specific information about the project that will tie the stormwater systems together and may require minor construction on your property.

A stormwater drainage system collects rainwater from rooftops, pavement, and other ground surfaces and conveys it through properly designed channels, detention ponds and subsurface pipes to protect the people and properties within our community from flooding. Historic stormwater drainage, or the stormwater that flowed over the ground surface before any land was developed, follows natural ground contours which cross both property and jurisdictional boundaries. When a property is developed, the City requires the historic drainage patterns be maintained because the downstream infrastructure is designed to accommodate those flows whereas if the stormwater were diverted elsewhere, there would be negative downstream impacts.

The Aurora Water Department provides stormwater and storm drainage services to annexed parcels within the City of Aurora and has established guidelines for the review, approval, permitting and enforcement of stormwater conveyance to ensure adequate drainage and control of stormwater as an integral and important part of any development. To maintain a
functioning system across the variety of land parcels across the City, the City’s Municipal Code provides authority to require this conveyance as demonstrated by the two following sections:

Per Section 138-365 (a), “Every subdivider shall provide, without cost to the City, an easement of not less than 16 feet in width up to such maximum width as is necessary to accommodate drainage from a 100-year storm or for the purpose of constructing and maintaining drainage facilities for the transmission, through the subdivider’s property, of all stormwater generated upstream from the subdivision. Notwithstanding this requirement, any natural drainageway having an identifiable bed and banks which traverses any subdivider’s property shall not be encroached upon or altered so as to render the drainageway less suitable to accept and transport stormwater which has historically flowed through such drainageway.”

Furthermore, per Section 138-365(c), “It shall be the responsibility of the subdivider, at his or her sole expense, to construct or provide for the construction of all minor facilities required within his or her subdivision for the acceptance and conveyance of all stormwater generated outside of his or her subdivision, as though such water was in fact generated from land in its fully developed state. It shall further be the duty of the subdivider, at this or her sole expense, to construct or provide for the construction of all minor facilities required for the acceptance and conveyance of all stormwater generated from within his or her subdivision, as though such subdivision was in fact fully developed, or as may be otherwise be approved by the directors of water and public works department.”

Responsible stormwater management must be exercised by the subdivider in accordance with established rules and regulations of the City of Aurora when such permits have been reviewed and approved by the Aurora Water and Public Works Departments. This includes the responsibility of the subdivider to notify and coordinate with downstream property owners when conducting permitted activities. Per Section 138-442, “it shall be unlawful for any person to begin construction upon or cause any excavation or grading of any site within the city without first having procured a stormwater quality permit when such permit is required by the rules and regulations promulgated pursuant to this article in accordance with federal and state stormwater control regulations.” Accordingly, it is in the best interest of subdividers to work collaboratively when activities encroach onto adjacent parcels located within or outside the City of Aurora.

The intent of this letter is stormwater infrastructure interconnectedness only and in no way obligates downstream property owners to detain water for upstream property owners unless otherwise identified in an approved, and current, Master Drainage Report or Master Drainage Plan.

City approval of plans, reports and permits shall not be deemed as approval to commence offsite construction. Appropriate property access must be granted by the property owner at the time of construction.
If you have any questions or concerns, please reach out the Aurora Water at aurorawaterdrainage@auroragov.org.

Sincerely,

Sarah J Young, P.E.
Aurora Water Department
Aurora Water Deputy Director – Planning and Engineering