



CITY COUNCIL ACTION

Council Meeting Date: October 15, 2025

Item No: 25-296

Responsible Dept: Stormwater

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Authorizing modifications to City Code of Ordinance Chapter 165 to Allow City Departments to Review Projects Requiring Stormwater Law Permits

Summary

The City of Bangor Planning Department and Engineering Department routinely review site plans for many elements to ensure they comply with City Ordinances, as well as State laws. Projects that develop over 3 acres of impervious area are subject to the Site Location of Development Act ("Site Law" or "SLODA"). Projects that develop more than one acre, but less than 3 acres, of impervious area are subject to Stormwater Law. Both SLODA and Stormwater Law are state statutes that are enforced, reviewed, and monitored by the Maine Department of Environmental Protection (Maine DEP).

Since at least 2005, the City of Bangor has reviewed developments that are subject to the requirements of Site Law through "delegated authority" from the Maine DEP. The Maine DEP has recently contacted and met with City Staff from Planning and Engineering regarding the possibility of the City using Maine DEP designated "Municipal Capacity" to review projects subject to Stormwater Law. Since Staff are already reviewing site plans for Land Development Permits, the additional review of stormwater is currently attainable. Local review also expedites permitting for developers.

In order to take on Municipal Capacity, the City would need legal authority through a modification to the City Code of Ordinances. As previously mentioned, the City's Site Law legal authority is in Code of Ordinances Chapter 165, Land Development. Addition of language to Chapter 165 to include reference to State Stormwater Laws and Rules would give the City the needed legal authority for Municipal Capacity. Maine DEP also suggested we add reference to Chapters 501 and 502, which are both DEP rules, to the section related to Site Law.

Committee Action

Committee: Planning Board

Meeting Date: October 21, 2025

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: October 15, 2025

Assigned to Councilor: Mallar

ORDINANCE, Authorizing modifications to City Code of Ordinance Chapter 165 to allow City Departments to review projects requiring Stormwater Law Permits.

WHEREAS, Maine DEP has requested that the City of Bangor begin exercising Municipal Capacity to review development projects that require a Stormwater Law Permit,

WHEREAS, The City Code of Ordinances does not currently provide the legal authority for the City to exercise Municipal Capacity for Stormwater Law,

WHEREAS, Modifying the Code of Ordinances will allow for Municipal Capacity,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 165 of the Code of the City of Bangor is amended as follows:

§ 165-114. Land development approval standards. [Amended 3-10-1999 by Ord. No. 99-96; 11-25-2002 by Ord. No. 03-09]

When reviewing any plan(s) for approval of a land development project under this chapter, the Planning Board shall determine whether an application meets the following standards:

...

- J. For site developments needing approval under the provisions of 38 M.R.S.A. §§ 481 through 488, as amended, and which meet the provisions of 38 M.R.S.A. § 489-A, as amended, as structures which may be approved by local municipalities, the following provisions shall apply:
- (1) Such project shall meet the standards of 38 M.R.S.A. § 484.
 - (2) Such project shall meet the requirements of Department of Environmental Protection regulations, Chapters 371, 372, 373, 375, 376, 377, and 500, 501, and 502 as they may be amended from time to time, which are adopted for this subsection by reference. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1)]**

K. For site developments needing approval under the provisions of 38 M.R.S.A. §420-D, as amended, the following provisions shall apply:

- (1) Such project shall meet the standards of 38. M.R.S.A. §420-D(1), as amended,
- (2) Such project shall meet the requirements of Department of Environmental Protection regulations, Chapters 500, 501, and 502, as they may be amended from time to time, which are adopted for this subsection by reference.

Additions are underlined, deletions ~~struck through~~.



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Carollynn Lear, City Manager

From: Anja Collette, Planning Officer

Date: December 10, 2025

CC: Courtney O'Donnell, Assistant City Manager
David Szewczyk, City Solicitor
Anne Krieg AICP – Director of Community & Economic Development

Re: Planning Board Recommendation December 9, 2025
Amending Chapter 165, Land Development Code, to Allow City Departments to Review Projects Requiring Stormwater Law Permits

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on December 9, 2025.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Chair Reese Perkins, Vice Chair Jonathan Boucher and Members Trish Hayes, Mike Bazinet, Ted Brush, Ken Huhn, and Janet Jonas, as well as Associate Member Justin Cartier.

City Engineer Jefferson Davis briefly reviewed the proposed amendments.

From the staff memo:

- A. The purpose of this ordinance change is to allow the City delegated authority to review projects that require Stormwater Law Permits, in the same way that the City has delegated authority to review Site Location of Development Act Permits. This change is at the request of Maine DEP (Department of Environmental Protection) since the City has municipal capacity to review Stormwater Law projects and the DEP currently is short-staffed and has very long review times for project permitting. The Council ordinance document in your packet explains the background on this effort in more detail.

Vice Chair Boucher asked for what the process would be if someone contested a decision on a stormwater permit. Davis and Assistant City Solicitor Innis stated that since it would be part of a land development permit application, it would go through the same process as usual and be appealed to the Superior Court.

There were no comments from the public.

Member Brush moved to recommend to City Council that the proposed amendments ought to pass. Member Bazinet seconded the motion. The motion passed 7:0 with all regular members voting in

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Land Development Code – Stormwater Review Changes

favor.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed amendments ought to pass.

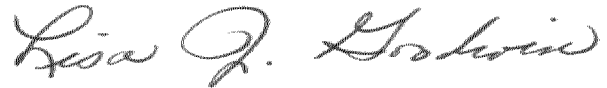
Anja Collette

IN CITY COUNCIL

OCTOBER 15, 2025

COrd 25-296

First Reading and Referral to Planning Board Meeting on October 21, 2025



CITY CLERK

IN CITY COUNCIL

DECEMBER 22, 2025

COrd 25-296

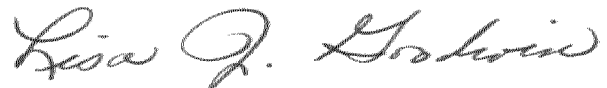
Motion made and seconded for Passage

Vote: 9 – 0

Councilors Voting Yes: Beck, Carson, Deane, Faloon, Fish, Leonard, Mallar, Walker, Hawes

Councilors Voting No: None

Passed



CITY CLERK