

Board of Aldermen

ITEM NO. (1)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, November 23, 2010

TITLE: Public Hearing on LUO Text Amendments related to Application Information for Storm water Control, CLOMR and LOMR Requirements, and Modifications to BMP Design Standards

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. Resolution finding consistency B. Draft Ordinance C. Land Use Ordinance; applicable sections D. Recommendations and comments	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

On June 8, 2010, the Board of Aldermen directed staff to prepare changes to the Land Use Ordinance that would implement use of a new review checklist for storm water requirements in commercial development. Two other water/storm water related provisions have been included in the draft. A draft ordinance and resolution of consistency are recommended for the Board's adoption.

INFORMATION

In September 2009, the Board of Aldermen requested a report on engineering components of the development review process. A report was presented on June 8, 2010, accompanied by new storm water engineering review checklists that clarify which engineering activities and details are required at the permit and construction plan approval stages of the process. The Board of Aldermen accepted the report, authorized use of the residential stormwater review checklist and directed staff to begin processing the Land Use Ordinance changes necessary to implement the commercial stormwater review checklist. A draft ordinance has been prepared (*Attachment B*). Two other water/storm water changes have been included in the draft ordinance; its three sections, if adopted, would accomplish the following:

1. Allow a reduction in drainage and storm water management information requirements for commercial project permit applications for commercial projects in the commercial zoning districts so long as compliance can be reasonably determined and plans demonstrating this are submitted before construction plans are approved.
2. Revise floodway and non-encroachment area provisions to clarify that projects requiring a CLOMR must demonstrate that issuance of a CLOMR is reasonably likely before a land use permit can be issued. Also clarifies the timing requirements for obtaining a LOMR in subdivided and unsubdivided developments.
3. Revise the installation and maintenance requirements for storm water management systems controlling and treating runoff from the first one inch of rain to reference the North Carolina Division of Water Quality Best Management Practices Manual.

The Board of Aldermen also requested that town staff review previous minutes regarding conditional use permits for the last two years to identify significant engineering issues. Staff has interpreted this to include those aspects of storm water engineering review that have been deferred to construction plan approval via conditions attached to permits. The significant engineering issues that have been identified include:

- 1) Completion of HEC-RAS storm water modeling.
- 2) Depth to bedrock related to bridge design.
- 3) Completion of CLOMRs for special flood hazard area encroachments.
- 4) Confirmation of elevation/depth to groundwater in relation to bioretention area design.

For the most part, the ordinance change and storm water review checklist will formally refer these items to construction plan approval. Existing, applicable land use ordinance provisions are included (*Attachment C*). The draft ordinance was referred to the Planning Board and Orange County. Recommendations and comments are attached (*Attachment D*).

FISCAL AND STAFF IMPACT

The Town's share of engineering plan review (20 percent) for noted storm water requirements will be delayed to construction plan review stage if the draft ordinance is adopted.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the resolution finding consistency and the draft ordinance (*Attachments A-1 and B*).