

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 1, 2005

SUBJECT: Stormwater Management and Erosion and Sedimentation Control Programs

SUMMARY OF REQUEST:

Currently, the 2005 Board of Commissioners' Strategic Plan and the Henderson County 2020 Comprehensive Plan (CCP) call for the drafting of erosion and sedimentation control (E & S) and stormwater management standards and requirements in FY2005-2006 and the implementation of these programs in FY2006-2007. At the July 20, 2005 Board of Commissioners' meeting, the Board directed Planning Staff to research pursuing the implementation of these items sooner than called for in the CCP and the Strategic Plan.

At this time, for major subdivisions and most special use permits, Henderson County requires written notice from NCDENR, Land Quality Section, verifying that a soil erosion and sedimentation control plan has been received; or written notification that no plan is required. NCDENR handles permitting, inspection and enforcement for all projects requiring E & S permits in Henderson County. Henderson County has minimal stormwater management guidelines in place in its land use regulations.

The basic stormwater management regulations outlined by the Phase II Stormwater Management Model Ordinance for North Carolina have been incorporated into the Land Development Code currently being drafted by Planning Staff. These regulations include development standards for low and high-density projects. For low-density projects the stormwater runoff must be transported from the development by vegetated conveyances to the maximum extent possible, built-upon area will maintain a thirty (30) foot buffer from all perennial and intermittent surface waters, and an enforceable restriction will run with the property ensuring that future development and redevelopment will maintain these standards. Standards for high-density projects require that the post-development stormwater runoff will not exceed pre-development stormwater runoff for, at a minimum, the 1-year, 24-hour storm, all structural treatment systems shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids, general engineering for the project will be in accordance with the Design Manual, a thirty (30) foot buffer will be maintained from all perennial and intermittent streams, and an enforceable restriction will run with the property ensuring that future development and redevelopment will maintain these standards. In addition to these stormwater management regulations, density and built-upon area incentives will be offered in the Land Development Code to developers choosing to incorporate Low Impact Development techniques into their development. Implementing these techniques will be voluntary on the part of the developer and will be rewarded with higher densities or increased built-upon area permitted within the development.

In order to develop a more comprehensive E & S and Stormwater Management program, planning staff currently working on the Land Development Code would need to be reassigned to this task, or a consultant would need to be brought in to develop the program while staff continues drafting the Land Development Code. Reassigning Planning Staff would have an impact on the Planning Department's ability to complete the Land Development Code according to the timeframe outlined in the CCP and the Board of Commissioners' Strategic Plan.

Should a more comprehensive E & S and Stormwater Management program be developed, the implementation of that program would need to be addressed as well. In the 2005 Strategic Plan and the CCP, implementation and enforcement is not scheduled until FY2006-2007. Therefore, funding for the staff necessary to begin enforcement of these regulations would need to be moved up accordingly. Another option for enforcement of these programs would be to contract with an engineering firm to conduct the plan review and inspections necessary for these programs as an alternative to hiring staff to enforce the regulations in-house.

COUNTY MANAGER'S RECOMMENDATION/BOARD ACTION REQUESTED:

I recommend the Board stay with the current implementation scheduled with the drafting of the E & S and Stormwater Management standards and requirements in FY05-06 and implementation of those programs occurring in FY06-07.