



## Town of Pittsboro, North Carolina

Engineering Department

To: Town Board of Commissioners

From: Fred Royal, PE, Town Engineer

Date: September 9, 2013

Subject: For consideration: Draft Stormwater Ordinance for New Development and Soil Erosion and Sedimentation Ordinance

Please find attached as an FYI these two ordinances and background information for your review, discussion and consideration. Also attached are proposed fees for the stormwater ordinance administration, designed to cover the costs of these new services provided.

Please note that the stormwater ordinance was previously developed by Jewell Engineering and is based on the NC DENR model stormwater ordinance for new development.

The Draft Stormwater Ordinance for New Development has been approved by the NC Division of Water Quality (DWQ), Environmental Management Commission (EMC) and the Town Board of Commissioner's (see attached Resolution). This draft has a revised (added Appendix A) section at the end in order to include peak flow attenuation and to further describe administrative policy and technical design standards. The fees proposed for the new stormwater ordinance will pay for administration, plan review, meetings with developers (in house and in the field), site inspections and all other permit activity. Fees recommended are \$125 per parcel acre for the plan review and \$125 per parcel acre for the permit. We believe that this fee structure will sufficiently cover the cost of administering this new stormwater ordinance. It is recommended that the Stormwater Administrator report back to the Town Council every six months on the actual costs, staff resource needs and recommendations for a fee adjustment (up or down) as needed. Other stormwater "level of service" program elements such as public education and involvement, BMP retrofits, street sweeping, right-of-way drainage maintenance, etc. will be brought to the Town Council for discussion as well. We propose to eliminate the consultant fee schedule (\$125/hr) in the Adopted Budget as a part of this new program incorporation.

The Soil Erosion and Sedimentation Control Ordinance is currently effective in unincorporated Chatham County. It is recommended to be adopted by the Town of Pittsboro and administered by Chatham County. This change in Town delegation (from the State of North Carolina to Chatham County) would require either local resolutions or interlocal agreement and approval of the NC Sedimentation Commission.

The fees as proposed would go directly to the county for their administrative, plan review and approval, permitting, inspections and enforcement activity. Their fees are \$250 per disturbed acre for plan review and \$250 per disturbed acre for the land disturbing permit. Town costs in this program are assumed to be negligible and will be paid for by the proposed stormwater fees described above.

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## Town of Pittsboro, North Carolina

Department of Planning  
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### BACKGROUND - OVERVIEW OF JORDAN LAKE RULES

The State of North Carolina enacted rules to implement the Jordan Lake Nutrient Management Strategy. The “rules” (15A NCAC 02B.0262-.0273) became effective August 11, 2009 and were later modified by session laws 2009-216 and 2009-484. These rules are broken down into seven key strategies:

1. Stormwater rule for new development
2. Stormwater rule for existing development
3. Agriculture rule
4. Fertilizer management rule
5. Riparian buffer rule
6. Wastewater discharge rule
7. Options for offsetting nutrient loads

Complete information on the rules can be found at [www.jordanlake.org](http://www.jordanlake.org).

Of the seven, three strategies require direct compliance by the Town of Pittsboro:

\*Stormwater rule for existing development – In partnership with Chatham County, the Town of Pittsboro satisfied this requirement through submission of the Stage 1 Adaptive Management Program Proposal for Existing Development that was submitted to the State December, 2009.

\*Stormwater rule for new development – By September, 2011, local governments are required to develop stormwater programs that: (1) approve stormwater management plans for new development, (2) follow specific requirements of water supply watershed rules, (3) ensure maintenance of best management practices, and (4) ensure enforcement and compliance.

The North Carolina Division of Water Quality will provide local governments with a model stormwater program, ordinance, and accounting tool for nutrient loading by February, 2011, to begin development of local ordinances and programs. This effort is ongoing and we expect to receive specific guidance from the State in the near future.

\* Riparian Buffer Rule – This rule requires that local governments establish a minimum 50-foot buffer around all surface waters present on applicable maps (i.e., USGS, soil survey, or other map approved by Geographic Information Coordinating Council and EMC). This rule is implemented through a local riparian buffer ordinance. The deadline for submission of the ordinance was May 10, 2010. Pittsboro submitted the proposed model ordinance to the State and received approval in a letter dated October 4, 2010 (attached).

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## MEMORANDUM

TO: Mayor and Board of Commissioners

FROM: William G. Terry, Town Manager

SUBJECT: Draft Jordan Lake Watershed New Development Stormwater Ordinance

DATE: March 26, 2012

The attached resolution would approve the Draft Jordan Lake Watershed New Development Stormwater Ordinance prepared by Jewell Engineering and authorize the Town Manager to submit the draft ordinance to the State of North Carolina for review and approval.

### BACKGROUND

The Jordan New Development Stormwater Rule, 15A NCAC 02B .0265, is one of a comprehensive set of thirteen rules known as the Jordan Nutrient Strategy. The Jordan Nutrient Strategy is generally designed to reduce excess nutrients impacts, specifically nitrogen and phosphorus, into Jordan Lake to reduce algal growth and other nutrient related water quality problems.

The Jordan Lake strategy goes beyond previous strategies in requiring all local governments in the watershed to implement new development permitting requirements, in requiring load reductions from existing developed lands, and in directly regulating state and federal entities for stormwater control from both new and existing development.

On February 27, 2012 the Board of Commissioners authorized the award of a contract to Jewell Engineering for the preparation of a Draft Jordan Lake Watershed New Development Stormwater Ordinance for submission to the North Carolina Department of Environment and Natural Resources (NCDENR). Jewell Engineering has completed work on the draft ordinance and will present the attachment to the Board of Commissioners on March 26, 2012. Doug Jewell will make the presentation and will be available to respond to questions and suggestions for modification of the draft ordinance. Our goal is to incorporate any comments and recommendation of the Board of Commissioners and deliver the approved draft ordinance to NCDENR not later than the close of business on Wednesday, March 28, 2012.

The Draft Jordan Lake Watershed New Development Stormwater Ordinance is not being presented to the Board of Commissioners for adoption at this time. The next step in achieving compliance is to get NCDENR approval of the text of the draft ordinance and then bring it back to the Board of Commissioners with a recommendation for adoption.

Based on our discussion with the staff at NCDENR, we believe that the ordinance would come back to the Board with a recommendation for adoption in late May or early June.

### **DISCUSSION**

Preparation of the Draft Jordan Lake Watershed New Development Stormwater Ordinance is only one element in the scope of work in our contract with Jewell Engineering. In addition to their work on the draft ordinance, they are under contract for the following:

1. Develop a recommended program budget and make fee recommendations to generate revenues sufficient to pay for the program.
2. Identify staffing and other resource needs necessary to carry out the program.
3. Specific items as part of the deliverable include:
  - a. Provide a program for ensuring maintenance of BMPs as called for in the rule, including:
    - (1) Owner inspection and reporting requirements, including qualifications required of BMP inspectors;
    - (2) Local government inspection and oversight program, including frequency of local government inspections;
    - (3) Financial surety for long-term function; and
    - (4) Database of practices installed.
  - b. Provide a listing of forms and a template for all forms required to carry out permitting and compliance;
    - (1) Stormwater Permit Application
    - (2) Sample Permit
    - (3) As-Built Submittal Form w/ BMP Certification Statements
    - (4) Operation and Maintenance Agreements for BMPs
    - (5) Example Access Easement
    - (6) Example Conservation Easement

### **RECOMENDATION**

That the Board of Commissioners adopt the attached resolution approving the Draft Jordan Lake Watershed New Development Stormwater Ordinance and authorizing the Town Manager to submit the draft ordinance to NCDENR for review and approval.

A RESOLUTION APPROVING THE DRAFT JORDAN LAKE WATERSHED NEW DEVELOPMENT STORMWATER ORDINANCE AND AUTHORIZING THE TOWN MANAGER TO SUBMIT THE DRAFT ORDINANCE TO NCDENR FOR REVIEW AND APPROVAL

WHEREAS, the Jordan New Development Stormwater Rule, 15A NCAC 02B .0265, is one of a comprehensive set of thirteen rules known as the Jordan Nutrient Strategy requiring all local governments in the watershed to implement new development permitting requirements; and

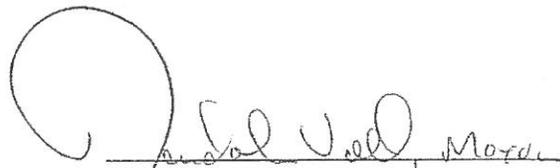
WHEREAS, On February 27, 2012 the Board of Commissioners authorized the award of a contract to Jewell Engineering for the preparation of a Draft Jordan Lake Watershed New Development Stormwater Ordinance for submission to the North Carolina Department of Environment and Natural Resources; and

WHEREAS, Jewell Engineering has submitted a Draft Jordan Lake Watershed New Development Stormwater Ordinance for consideration of the Board of Commissioners; and

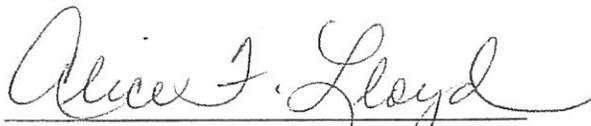
WHEREAS, the Town Manager, Town Attorney and Planning Director have reviewed the Draft Jordan Lake Watershed New Development Stormwater Ordinance and find it to meet the requirements of the State of North Carolina for submission of a draft ordinance for review and approval by the State of North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the text of the Draft Jordan Lake Watershed New Development Stormwater Ordinance is approved and that the Town Manager is authorized to submit the draft ordinance to the State of North Carolina for review and approval prior to adoption by the Town.

This the 26<sup>th</sup> day of March 2012.

  
Randolph Voller, Mayor

Attest:

  
Alice F. Lloyd, CMC, Town Clerk