Post-Construction Stormwater Ordinance Changes

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Purpose of the Amendment



Update and improve post-construction stormwater regulations



Ensure NPDES MS4 Phase II compliance



Address resident and developer concerns



Align with state/federal guidance



Improve stormwater outcomes

Why Now?

- Current threshold (5,000 sq. ft.) too low
- High costs and frustration for homeowners
- No measurable improvement in water quality

Key Issues Identified

- Overly burdensome threshold
- Staff time diverted from priority projects
- Misalignment with SWMP
- DEQ inspection requirements and renewal requirements must be implemented
- Minimal environmental gains from small-scale regulation

Recommended Changes

Raise Threshold from 5,000 sq. ft. to ½ acre (21,780 sq. ft.)

Tiered Project Classification as Required by NPDES permit.

- High-density: Requires permits, permit renewal, & inspections
- Low-density: Requires permits, no renewal, & inspections

Inspection Updates



Allow qualified professionals or owners to inspect stormwater control measures



Maintain records onsite



Town inspections:

Low-density: Once per permit cycle

High-density: Twice per cycle

Community-Wide Strategy

- Rescind permits for exempted properties
- Launch voluntary/incentive-based programs called for in the adopted Stormwater Master Plan
- Reallocate staff and funding to outreach & impactful projects





6.3 Flat Creek Neighborhood Approach: Distributed Stormwater Control Measures (PID#156)

Type(s): SCM; Programmatic support

Scale: Small to Medium

Project Description:

See Section 4.3 for overview of approach. This approximate 50-acre area is bounded by Montreat Road, East Street, Flat Creek on the east, and 7th Street on the south. While the overall project plan is similar to the distributed SCM pilot areas near Lake Tomahawk this area has some important distinctions, including:

- Higher percentage of effective impervious area
- Lower average slopes
- Groundwater tables closer to the ground surface
- Immediate proximity to the impaired waters of Flat Creek and the Swannanoa River



Parts of this area would be served by the proposed East and West Basin plans that are part of this master plan. Those plans, when implemented, will address many of the street and other nuisance flooding issues in the area, allowing the distributed SCM initiative in this neighborhood to work with those drainage plans and to focus on water quality improvements. In particular, SCMs implemented in this neighborhood should focus on reducing sediment and bacteria delivered to Flat Creek, two constituents responsible for the impairment of Flat Creek and the Swannanoa River.

Components:

- Rainwater harvesting systems, rain Gardens and infiltration basins on private property

Ordinance & SWMP Alignment



Clarify language and definitions



Support the Town's Stormwater Management Plan

Public Benefits

- ☑ Reduces burden on homeowners
- ☑ Simplifies enforcement
- ☑ Prioritizes effective projects
- ☑ Maintains permit compliance
- ☑ Builds trust & sustainability

Planning Board Comments and Recommendation



Define "disturbance" and "impervious"



List types of SCMs allowed to be used for low-density projects, high-density projects



Point to definitions of low and high-density, clarify difference



8.2.9E (3) one resubmittal within 30 days without payment of additional fee



Suggested first inspection after 2 years or less

Staff Recommendation



Staff recommends adopting the proposed ordinance changes to:

- Enhance clarity
- Reduce regulatory burden
- Improve water quality outcomes

Thank you.

Staff is available to answer questions and provide clarification