

COMPREHENSIVE PLAN/ FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2012-016

Amendment(s) requiring submittal of formal site plans and stormwater management plans for residential and non-residential projects

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From: ---
To: ---
- Zoning Map:
From:- --
To:---
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes

Section(s):

1. Section 2.4.1 *Zoning Compliance Permits – Applicability*
2. Section 2.5.3 *Plan Specifications*
3. Section 7.6.3 *Land Suitability*

- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified*

Development Ordinance Amendments of the UDO, the Planning Director has initiated a text amendment to modify existing language requiring the submittal of formal stormwater plans as part of subdivision and development applications.

The State recently implemented stormwater management and nutrient reduction strategies. As part of these strategies, the County recently modified existing regulations mandating the preparation and submittal of formal, engineered, stormwater management plans as part of any development project where proposed land disturbance reached the following thresholds:

Watershed/River Basin	Stormwater – Non-residential	Stormwater – Residential
Cape Fear (includes the Back Creek, Haw River, Cane Creek, Jordan Lake, and University Lake protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district)	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan
Neuse (includes Flat River, Little River, Upper and Lower Eno protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district)	Projects proposing over 12,000 square feet of disturbance are required to submit a stormwater management plan	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan
Roanoke (includes South Hyco Creek protected watershed overlay district)	Projects proposing over 20,000 square feet of disturbance are required to submit a stormwater management plan	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan

These changes were incorporated into the UDO on April 17, 2012.

This proposed amendment is designed to:

1. Require formally prepared site plans for those projects exceeding established stormwater disturbance thresholds for residential projects.
 Submittal of formal site plans is already required for all non-residential projects regardless of the proposed land disturbance activity.
2. Incorporate references within various locations of the UDO identifying which land development projects need to comply with these standards in an effort to

eliminate confusion and provide definitive application submittal standards.

3. Analysis

As required under Section 2.8.5 of the Orange County Unified Development Ordinance, the Planning Director is required to: '*cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners*'.

The required analysis will be completed before the public hearing and will be part of the quarterly public hearing materials.

4. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

This amendment is designed to provide additional references to existing development standards already contained within the UDO.

5. New Statutes and Rules

This amendment is designed to reference compliance with recently adopted modifications to the UDO related to stormwater management and nutrient reduction standards consistent with the following State regulations:

- 15A NCAC 2B. 0277 Falls Lake Stormwater New Development Rule
- 15A NCAC 2B. 0265 and Session Law 2009-484 Jordan Lake Stormwater New Development Rules

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

November 8, 2012

- b. Quarterly Public Hearing

February 25, 2013

- c. BOCC Updates/Checkpoints

December 5, 2012 - BOCC members receive materials to be reviewed by the Planning Board's Ordinance Advisory Committee (ORC) as part of the Planning Board packets sent to all BOCC members each month

February 5, 2013 – Approval of legal ad

May 7, 2013 - Receive Planning Board recommendation

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

January 13, 2013 – Ordinance Review Committee (ORC).
March 6, 2013 – April 3, 2013 (recommendation)

b. Advisory Boards:

Commission for the Environment –
January 2013

c. Local Government Review:
Courtesy Review – Town(s) of Chapel Hill, Carrboro, Hillsborough, City of Mebane

d. Notice Requirements

Legal advertisement will be published on February 13 and 20, 2013.

e. Outreach:

General Public: _____
 Small Area Plan Workgroup: _____
 Other: _____

3. FISCAL IMPACT

While these proposed amendments are merely designed to incorporate necessary references with respect to complying with established thresholds, and requiring the submission of formal site plans in the event a stormwater management plan is required, staff had previously identified compliance with these new State required standards will impose additional costs for development projects and require additional staff resources.

Workload for Current Planning and Erosion Control staff to review and approve stormwater management plans required by the rules is expected to increase. Workload for staff with respect to the inspection of stormwater management features is also expected to increase. This may necessitate an increase in fees charged to

developers.

As reported at the February 27, 2012 Quarterly Public Hearing, it is expected that enforcement of the new regulations will require, at a minimum, one up to one additional full time employee for Erosion Control with an approximate cost of \$65,000.

Staff is continuing to evaluate workload and needs as the process moves forward.

D. AMENDMENT IMPLICATIONS

The amendments are in response to recent modifications to the UDO relating to compliance with stormwater and nutrient management requirements and staff's desire to ensure proper reference for compliance with these aforementioned new standards.

As previously indicated by staff, compliance with these required standards is expected to increase the cost of development and increase staff workload.

E. SPECIFIC AMENDMENT LANGUAGE

Available as part of public hearing materials.

Primary Staff Contact:

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov