

**Item Title:** Public Hearing to Consider Text Amendment OA-01-19 Article 9 Stormwater Management and Article 10 Erosion and Sedimentation Control of the Unified Development Ordinance (UDO)

**Specific Action Requested:**

**That the Board of Commissioners, having held a public hearing:**

- 1. Finds that Text Amendment OA-01-19 is consistent with the Wake County Land Use Plan and the Wake County Unified Development Ordinance and is reasonable and in the public interest; and adopts the attached resolution;**

***and by a separate motion;***

- 2. Adopts the attached resolution to approve the proposed amendment to the Wake County Unified Development Ordinance as presented in Text Amendment OA-01-19.**

**Item Summary:**

**Purpose:** The Board of Commissioners approves changes to the Wake County Land Use Plan and Unified Development Ordinance (UDO).

**Background:** County staff periodically review the Land Use Plan and UDO for necessary updates and clarifications. The agenda item proposes several updates to the stormwater management (Article 9) and erosion and sedimentation control (Article 10) portions of these documents. These changes clarify requirements and improve the overall effectiveness of the ordinance.

Proposed changes to the stormwater regulations include: 1) requiring a downstream impact analysis for development submittals to determine additional impacts on flooding or channel degradation downstream of the project; 2) adding provisions for the location of, easements for and wastewater system setbacks from stormwater control measures; 3) prohibition of illicit discharges to stormwater conveyances and waters of the State and; 4) annual inspection and reporting requirements for stormwater control measures.

Proposed changes to erosion and sedimentation control include: 1) Updated State forestry and agricultural exemptions; 2) additional definitions to clarify provisions; 3) new tables for ground stabilization timelines to summarize requirements in a single location, improving user friendliness; 4) added State requirements specific to the Falls Lake Watershed; and 5) updated civil penalty provisions to clarify the State's civil penalty remission process.

Board Goal: Promote growth and sustainability.

Fiscal Impact: This action has no financial impact.

**Additional Information:**

The last comprehensive review of Article 9 Stormwater Management was complete in 2006 and Article 10 Erosion and Sedimentation Control in 2007. In the fall of 2017, Watershed Management staff initiated a new comprehensive review of the stormwater and erosion control rules. A stakeholder group was formed to work with staff in reviewing and updating the rules. The stakeholder group met six times over the next 18 months. The stakeholder group concluded its work in February 2019. This process identified ten (10) proposed changes to Article 9 Stormwater Management and thirty-eight (38) proposed changes to Article 10 Erosion and Sedimentation Control. See Staff Report for summary of proposed changes. The proposed changes have been reviewed by the County Attorney's Office.

*Staff Findings:* The proposed amendments Support the Board of Commissioners' goal to promote growth and sustainability efforts throughout the county.

*Recommendations:* Environmental Services staff recommends that the Board of Commissioners approve text amendment OA-01-19 as presented and adopt the Statement finding the proposed text amendment consistent with the Wake County Land Use Plan.

The Planning Board recommended at the August 7, 2019 meeting, by a unanimous vote, that the Board of Commissioners approve text amendment OA-01-19.

**Attachments:**

1. Presentation
2. Staff Report
3. Statement of Consistency Resolution
4. Ordinance Amendment Resolution
5. Proposed Article 9 and 10 Tracked Changes