



RESOLUTION TITLE: TO AMEND CHAPTER 5.5 – ENVIRONMENT ARTICLE II OF THE GASTON COUNTY CODE OF ORDINANCES CONCERNING STORMWATER MANAGEMENT (SECOND READING)

WHEREAS, Chapter 5.5 of the Gaston County Code of Ordinances, among other things, enumerates provisions for implementation of Gaston County's Stormwater Ordinance; and,

WHEREAS, upon mandates by The Regulatory Reform Act of 2015 (S.L. 2015-286) and a review by North Carolina Department of Environmental Quality, Gaston County Staff is requesting the Board of Commissioners amend the ordinance set forth in Section 5.5-34, 35, 42 and 43 concerning the provisions identified by North Carolina Department of Environmental Quality; and,

WHEREAS, the Gaston County Environmental Review Advisory Board approved the recommended amendments to the Stormwater Ordinance on January 31, 2019.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners hereby amends Chapter 5.5, Article II, Sections 34, 35, 42 and 43 as follows:

Sec. 5.5-34. - Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following definitions apply:

- *Applicant* means an owner or developer of a site who executes the **S**stormwater **P**ermit application pursuant to **the Gaston County's S**stormwater **O**rdinance.
 - *Buffer **Z**one* means the strip of land adjacent to a lake or natural watercourse.
 - *Connection* means any ditch, pipe, or other device for the diversion or transmission of storm drainage, which will in any way affect the operation or maintenance of the **drainageways drainage ways**.
 - *Conveyance* means any feature of the landscape or earth, manmade or natural, that carries water in a concentrated flow.
 - *Detain* means to store and slowly release stormwater runoff following precipitation by means of a surface depression or tank and an outlet structure.
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- *Development* means any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, or increases total runoff from the site, other than a rebuilding activity that does not qualify as redevelopment. Drainage structures shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed or used to convey stormwater.

- **Environmental Review Advisory Board means the Gaston County Environmental Review Advisory Board.**

- *Final Certificate of Occupancy* means the document required by the North Carolina State Building Code certifying that a new building shall not be occupied or a change made in occupancy, nature or use of a building until after all required building and services systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Gaston County Code Enforcement Department.

Gaston County Environmental Review Board means the county environmental review board.

- *High-density Development* means a project is high-density if it contains more than twenty-four (24) percent (24%) built-upon area or more than two (2) dwelling units per acre **or in the case of lots less than one acre, if more than ten thousand (10,000) square feet of impervious surface exists.**
- *High Quality Waters* means those classified as such in 15A NCAC 2B.0101 (e) (5)-General Procedures, which is incorporated herein by reference to include further amendments.

Sec. 5.5-35. - Scope and Exclusions.

The stormwater management regulations of this article do not apply to any of the following development activities:

- (1) Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to:
 - a. Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts.
 - b. Dairy animals and dairy products.
 - c. Poultry and poultry products.
 - d. Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.
 - e. Bees and apiary products.
 - f. Fur producing animals.
- (2) Activities undertaken on forestland for the production or harvesting of timber and timber products and conducted in accordance with best management practices as set out in Forest Practice Guidelines Related to Water Quality.
- (3) Activities for which a permit is required under the **Mining Act**, G.S. 74-46 et seq.
- (4) Commercial development on lots less than one (1) acre that are not part of a larger common plan of development or sale.

- (5) Residential development that disturbs less than one **(4)** acre, including total buildout of the site that are not part of a larger common plan of development or sale.
- (6) Any development in which the owner has accrued a vested right. A vested right is recognized if either a preliminary plan has been approved by the **P**lanning **B**oard that meets the required specifications and standards of Gaston County ordinances, or a **L**and **D**isturbing **P**ermit has been issued pursuant to Gaston County Soil Erosion and Sedimentation Control ordinance in effect on or before the effective date of this ordinance, and that such plan or permit remains unexpired.
- (7) A party in interest to a particular plan found to have no vested right to construct or develop on or before the effective date of this ordinance may appeal to the Gaston County Board of Adjustment for a hearing de novo. Such hearing shall be expedited and shall be limited to the issue of whether the landowner has a vested right to construct or develop his site under plans submitted prior to the effective date of this chapter.
- (8) Redevelopment or expansions to uses included in the above categories are not subject to the stormwater requirements unless it would result in an expansion of impervious surface on commercial lots in size equal to or greater than one acre, **would result in commercial redevelopment where more than 50% of the square footage of a structure is replaced on a lot in size equal to or greater than one acre, or would result in a total developed acreage of one acre for residential development.**

Sec. 5.5-42. - Stormwater **Management **O**bjectives.**

- a. In order to reduce drainage related damage and hazards, adequate natural drainage systems or stormwater management installations are required to collect and transmit stormwater flows into either existing drainage facilities or a natural drainage system.
- b. All storm drainage facilities shall be designed, constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such improvements. Specifically:
 1. Offsite areas which drain to or across a site proposed for development must be accommodated in the stormwater plans for the development. The stormwater management system must be capable of conveying the existing offsite flows through or around the development such that the volume and rate of flow from the adjacent property is not altered. If offsite flows are carried in the site system any detention system shall be sized to accommodate this flow. The flow must be released to the original drainage area.
 2. Storm drainage facilities shall be designed to limit the discharge from the site to the rate for the 1 year, 24 hour storm that existed prior to development of the site. For projects that are redeveloping a developed site, the discharge will be limited to that which occurs before any new development. The type and location of the discharge will be as occurred before the current development unless the discharge is to a manmade conveyance system.

- c. All site improvements shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site.
- d. These goals for discharge can be accomplished by designing, constructing and maintaining all stormwater management installations to the extent practicable:
 - 1. Avoid increases in surface runoff volume and velocity by including measures which promote the infiltration of stormwater,
 - 2. Maximize the time of concentration of stormwater runoff, and
 - 3. Promote the filtration and precipitation of pollutants from stormwater runoff in order to protect the water quality of the receiving watercourse.
- e. Whenever practicable, the drainage system of a development site shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets. Permission must be received from other applicable entities for connection.
- f. To the extent practicable, all site improvements shall conform to the natural contours of the land, and without disturbance, utilize the preexisting natural and preexisting manmade drainage ways.
- g. To the extent practicable, lot boundaries within subdivisions shall be made to coincide with natural and preexisting man made drainage ways to avoid creation of lots that can only be built upon by altering such drainage ways.
- h. Stormwater shall not be diverted from one natural drainage basin into another.
- i. Stormwater shall not be channeled or directed into sanitary sewers.
- ~~j. Stormwater controls shall not be located within the designated floodway.~~
- ~~k. Stormwater controls shall not be located within 30 feet landward from any perennial and intermittent surface waters. A surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the US Department of Agriculture or the most recent version of the quadrangle topographic maps prepared by the USGS.~~
- ~~l. j.~~ Streams shall not be relocated unless it is demonstrated that the relocation of the stream will have a positive impact on water quality while reducing velocity. All other applicable permits must be received.
- ~~m. k.~~ High-density projects shall be required to adopt or install storm drainage facilities pursuant to this section, paragraph b.2.

Sec. 5.5-43. - Stormwater Management Design Standards.

- a. Design standards are established for the purpose of promoting sound development practices which respect, preserve and enhance the county's watercourses and are not intended to prohibit the use of innovative and alternative techniques which can be demonstrated to have the potential for successfully achieving the objectives stated in Section 1.

b. *Design storm:*

1. The measures shall control and treat at a minimum the stormwater runoff from the first inch of rainfall volume leaving the project site. Runoff volume drawdown time shall be a minimum of forty-eight (48) hours, but not more than one hundred twenty (120) hours.
2. All structural stormwater treatment systems used to meet the requirements of this ordinance shall be designed to have a minimum of eighty-five (85) percent average annual removal for total suspended solids (TSS).
3. The design of drainage facilities in flood hazard areas shall be consistent with the requirements of county's flood damage prevention ordinance. ~~No stormwater controls shall be allowed within the floodway. No stormwater controls shall be within 30 feet landward of any perennial and intermittent surface water.~~
4. The computation of stormwater runoff shall follow established engineering practice. Acceptable methods of computation include the Rational Method, the Peak Discharge Method as described in USDA Technical Release Number 55 (TR-55), and USGS Regression Equations, where applicable. If an alternate method is proposed, the method should be described and justification for using this method should be provided. The same method must be used for both the pre- and post-development conditions.
5. Runoff coefficients shall be based on full development of the project and of the watershed to the extent of the current zoning or land use patterns, and shall include the complete development of the site through build-out, including roof tops and other impervious areas that may be proposed.
6. Stormwater detention shall be provided to insure that the rate of discharge for the one (1) year, twenty-four (24) hour storm does not exceed the pre-development rate of discharge. In order to demonstrate this, inflow-outflow calculations shall also be submitted for any stormwater detention ponds.
7. All stormwater systems shall be designed and built to route at a minimum the twenty-five (25) year, twenty-four (24) hour storm safely.

This Ordinance amendment shall be effective immediately upon its adoption.

Adopted the 26th day of March, 2019.

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above, as filed with the Clerk to the Board, is a true and accurate copy of the ordinance amendment entitled **TO AMEND CHAPTER 5.5 – ENVIRONMENT ARTICLE II OF THE GASTON COUNTY CODE OF ORDINANCES CONCERNING STORMWATER MANAGEMENT (SECOND READING)** as adopted by the Board of Commissioners on March 26, 2019 and is to be set forth in the Gaston County Code of Ordinances upon adoption.

Donna S. Buff, Clerk to the Board

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