



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kate Jones, Senior Environmental Planner
Kelly Wyatt, Deputy Planning Director

Date: September 17, 2021

Subject: Discussion of Draft/Updated LID Manual and Residential Stormwater Regulations.

Earlier this year planning staff drafted and presented updates to the Town of Nags Head Low Impact Development Manual and Stormwater Reference Manual for consideration by the Planning Board and Board of Commissioners. At their May 5, 2021, meeting the Board of Commissioners unanimously passed a motion to continue consideration of these updates to the first meeting in July in order to allow time for discussion and input from homebuilders. This meeting took place on June 16, 2021, and from that discussion came the following points:

- Work to provide education to the building community on the intent and goals of the regulations, as well as guidance on developing stormwater plans and making application.
- Consider opportunities to offset costs to property owners for the implementation of stormwater plans/SCM's.
- Consider opportunities for parity with neighboring lots that may not be required to provide stormwater plans/SCM's.
- Consider opportunities to recognize existing neighborhood stormwater management.
- Consider ways to reduce impacts to usable lot area; preferred options are usually more expensive.
- Consider whether development with pilings accommodates more stormwater infiltration, and therefore requires fewer requirements.
- Consider whether the grade of adjacent property can dictate fill limits and/or stormwater plan requirements.
- Consider whether pools and small projects can be exempted from stormwater plan requirements based on existing conditions.
- Consider whether the preservation of wetlands can be used to offset stormwater management requirements.
- Consider variable options for lots that are either significantly small or large.
- Consider the added costs associated with the construction process, and that these costs are in excess of those seen in other towns.
- Work to improve owner/client understanding of the requirements.

Following concerns expressed by the Outer Banks Homebuilders Association, the Board of Commissioners, at their July 7th meeting, directed staff to meet with and discuss these recommended updates as well as potential future revisions to the UDO's

Stormwater, Fill and Runoff Management Ordinance. At this time, it was the Board of Commissioner's consensus that staff work towards a simplified mechanism to address residential stormwater management concerns.

On September 15, 2021, members of Town Staff, Town Manager, Andy Garman, and Commissioners Siers and Brinkley met with members of the Outer Banks Homebuilders Association. At this meeting staff outlined broad opportunities to transition our stormwater management requirements from a volume-based approach to a point-based approach. In short, this type of transition would move away from the need to calculate area of built upon surfaces, determine the volume of runoff as a result of 1 ½ inch rainfall event and then construct the various measures necessary to capture, retain and infiltrate a specific volume. A points-based approach would simply set forth a minimum number of points that must be achieved.

This may include the ability to obtain "*pre-development*" points for things such as:

- Lot coverage less than the maximum allowed
- A site plan where proposed elevations are below adjacent properties final elevations
- Retention of a percentage of mature, healthy vegetation
- Retention of ACOE wetlands if present.
- Lot size

Additionally, there would be "*post-development*" points:

- Use of permeable paving materials
- Swales
- Rain gardens
- Gutter systems directed to cisterns or rain barrels.

The members of the Homebuilders Association were appreciative of staff's time and interest in trying to simplify the stormwater management ordinance. As a group, the members provided feedback that they would like the Town to consider solutions that did not necessitate the need to utilize an engineer, could be simple, flexible, and more conceptual in nature while still achieving the overall goal of not shedding runoff onto adjoining properties or into the Town's right-of-way. Several homebuilders did note that they found the approach to stormwater management used by the Town of Southern Shores to be both simple and effective. Town staff noted that they would familiarize themselves with the Town of Southern Shores requirements to determine if any aspects of their regulations could or should be integrated into our revisions. The Homebuilders also expressed a desire for a simple, one- or two-page, bulleted guide on how to approach new residential construction given the recent changes in our Flood Damage Prevention Ordinance as it relates to the Local Elevation Standard (LES).

Staff was grateful for the opportunity to engage in open communication with the Homebuilders and believes that after hearing their concerns we can certainly work towards simplified, yet effective, stormwater management regulations.

Staff intends to draft an ordinance for review and discussion by the Homebuilders prior to consideration by the Planning Board at their upcoming October 19, 2021, meeting. Additionally, as the revised stormwater management regulations are drafted, we will assess what revisions may be necessary to the LID Manual moving forward.