



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

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To: Board of Commissioners

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

Date: September 28, 2021

Subject: Update on Stormwater Ordinance Review Process

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Earlier this year planning staff drafted and presented updates to the Town of Nags Head Low Impact Development 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 review potential changes with several Nags Head homebuilders. Such a meeting took place on June 16, 2021. From that discussion came the following points and direction:

- 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 various 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.

The Board of Commissioners, at their July 7<sup>th</sup> meeting, directed staff to further discuss stormwater ordinance changes with the Outer Banks Home Builders Association (OBHBA) with the goal of simplifying the requirements as well as the process for review and permitting.

On September 15, 2021, members of Town Staff, Mayor Pro Tem Siers, and Commissioner Brinkley met with members of the OBHBA. At this meeting, staff outlined broad opportunities to allow for more flexibility within the stormwater ordinance. Feedback was received to consider non-engineered solutions that are simple, flexible, and more conceptual in nature while still achieving the overall goal of protecting adjoining properties and/or 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 agreed to review the Town of Southern Shores' requirements to determine if any aspects of their regulations could 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 in Nags Head that would be specific to the UDO, the stormwater ordinance, and our flood damage prevention standards.

An update on the stormwater review process and associated meetings was provided at the Planning Board's September 21, 2021 meeting. Members of the Planning Board raised questions about the process and suggested that one or more Planning Board members and/or the former stormwater committee be included in these discussions. Additionally, the Planning Board cautioned against abandoning the town's stormwater management program.

On September 22, 2021, staff had a conference call with Wes Haskett, Deputy Town Manager/Planning Director for the Town of Southern Shores, to discuss their stormwater ordinance.

Takeaways from the call included:

- Their stormwater ordinance has been functioning in its current form for at least 5 years.
- The ordinance was amended more recently to allow for the exclusion of open slatted decking from lot coverage with the submission of an engineered stormwater plan. Since that amendment, 80% of residential stormwater plans are engineered to take advantage of the lot coverage bonus.
- The remaining 20% of residential permit plans are reviewed by staff, with decisions about stormwater requirements made on a case-by-case basis.
- Lots in Southern Shores are generally ½ acre or more.
- A 1.5-inch storm is referenced as the requirement in the ordinance; however, staff does not engage in calculating volumes.

Staff is now working on drafting ordinance options which will be discussed with the OBHBA on October 7, 2021. Subsequently, ordinance options for formal consideration will be presented to 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.