

Administrative Manual for Implementation of the Stormwater Control Ordinance

November 2020

The Administrative Manual for Implementation of the Stormwater Control Ordinance has been revised to accomplish several key items:

- Limit non-technical narratives;
- Reference the Ordinance where appropriate;
- Ensure consistency between the Manual and the Ordinance; and,
- Increase enforcement discussions.

While non-technical narratives have been removed and many sections rearranged, the general context of the Manual and requirements of the Manual remain unchanged. Readers will find that sections have been rearranged to follow the general flow of the Ordinance, and some technical details have been transferred from the Ordinance to the Manual to portray more complete permitting, inspection, and enforcement processes.

The following outline provides a high-level overview of Manual content revisions, as well as a comparison of each document's Table of Contents.

Table of Contents Comparison

	2012 Manual Section	2021 Manual Update
Introduction		
Purpose of Administrative Manual	1.1	1.1
Impacts of Stormwater on Water Quality	1.2	Deleted
City Engineer	1.3	Deleted
Process for Amending the Administrative Manual	1.4	1.3
Stormwater Control Ordinance		
Purpose of Ordinance	2.1	1.1
Exemptions	2.2	Deleted – moved to ordinance
Standards	2.3	Abbreviated – 3.2.1
Stormwater Fee Credits	2.4	Deleted
Infrastructure Permit		
Purpose of Infrastructure Permit and Application	3.1	2.1
Infrastructure Permit Application Content and Form	3.2	2.2
Infrastructure Permit Application Submission and Review Process	3.3	2.2
Engineering Review Fee	3.4	2.2.3
Operation and Maintenance Agreement		
Purpose of Operation and Maintenance Agreement	4.1	4.1
Description of Operation and Maintenance Agreement	4.2	4.3
Description of Maintenance Requirements	4.3	4.4.3
Transfer of Maintenance Responsibilities to City of Fayetteville	4.4	4.5 (pending final policy decision)
Maintenance Access	4.5	3.3.2
Final Plat Recordation		
Purpose of a Final Plat	5.1	6.1
Notes on Final Plats	5.2	6.2
Approval Process	5.3	6.3
Performance Guarantee Requirements		
Purpose of a Performance Guarantee	6.1	5.1
Performance Guarantees for Installations	6.2	5.2
Performance Guarantees for Public Entities	6.3	Deleted – to be addressed in appendix if applicable
Record Drawing Surveys and Digital Submittals		
Requirements for Submittal of Record Drawing Surveys and Approval Process	7.1	9
Process for Submittal of Digital Records	7.2	9.2
Digital Submittals of Record Drawings Surveys	7.2.1	9.4
Inspection Process		
Inspection Protocols	8.1	7.1, 7.2, 7.3
Penalty Assessment Process	8.2	8
Process for Appealing a Remedy or Penalty	8.3	10
BMP Inspection Fee	8.4	7.4
Appeals and Variances		
Appeal Process	9.1	10.2
Variance Process	9.2	10.1

Appeal and Variance Hearings Before the City Council	9.3	10.3
Hearing Procedures	9.3.1	Rolled into 10.3
Appeal Hearings	9.3.2	Rolled into 10.3
Variance Hearings	9.3.3	Rolled into 10.3
Definitions	10	Moved to Ordinance

Section 1 - Administrative Manual Overview

Section 1 has been modified to incorporate the following sections of the previous Manual:

Section 1.0 Introduction

- 1.1 Purpose of Administrative Manual
- 1.2 Impacts of Stormwater on Water Quality
- 1.3 City Engineer
- 1.4 Process for Amending the Administrative Manual

Section 2.0 Stormwater Control Ordinance

- 2.1 Purpose of Ordinance
- 2.2 Exemptions
- 2.3 Standards
- 2.4 Fee CreditsCredits

To streamline non-technical information and comprehensively explain the purpose of the Manual, the following summary of updates were made to this section:

1. Non-technical narratives that explained in substantial detail the generation and impacts of stormwater runoff were removed;
2. All references to City Engineer have been modified to Public Services Director;
3. The “Definitions” section was moved from Section 10 to Section 1 and has been streamlined to avoid redundancy and opportunity for inconsistency with the Stormwater Ordinance;
4. Discussion of the purpose of the Administrative Manual and Ordinance was streamlined and clarified to more clearly discuss the purpose of each document, and how the two interact.
5. Exemptions were removed and fully outlined in the Ordinance.
6. All design standards and requirements have been combined into Section 3.
7. Stormwater Fee Credits have been removed.

Section 2 - Infrastructure Permit

Section 2 – Infrastructure Permit, has been created to follow the content layout order of the Stormwater Ordinance, and now contains the following sections of the previous Manual:

Section 3.0 Infrastructure Permit

- 3.1 Purpose of Infrastructure Permit and Application
- 3.2 Infrastructure Permit Application Content and Form
- 3.3 Infrastructure Permit Application Submission and Review Process
- 3.4 Engineering Review Fee

Specifically, the following revisions were made to this section:

1. Land clearing and grading activity requirements are streamlined and called out more clearly;
2. Consultation meeting options are more succinctly discussed and separated from other sections;
3. All internal processes to the City of Fayetteville have been removed from this section. Removal of this information creates clarity in what is required of the permit applicant and provides for greater cohesiveness of permit requirements;
4. Timelines required for City review and applicant resubmission remain in the Manual;
5. Key review milestones such completeness reviews and resubmittal reviews have been segregated as their own sections;
6. Removal of the Engineering Review Fee section – Reference to the need for the fee for a complete permit application is made. The fee should be updated and included in the City’s fee schedule.

Section 3 - Stormwater Design Plans

Section 3 has been created to provide a comprehensive list of stormwater design plans. While much of this information was already in the Manual, much of it was also included only in the Ordinance. Technical plan requirements have been removed from the Ordinance and included in the Manual. These types of requirements include:

1. Vicinity map, scale, topography, and other general plan requirements;
2. Easement requirements for infrastructure and stormwater control measures;
3. Land use conditions criteria and wetland criteria have been moved to Section 3;
4. Ordinance Sec. 23-27. (Plan requirements) and Sec. 23-28. (Plan hydrologic criteria) have been moved to the Manual, as these are highly technical components required for design plans.

Section 4 - Operation and Maintenance Agreements

Section 4 has generally remained in place to detail requirements of SCM operation and maintenance agreements. The previous version of the Manual included the following sections:

Section 4.0 Operation and Maintenance Agreement

- 4.1 Purpose of Operation and Maintenance Agreement
- 4.2 Description of Operation and Maintenance Agreement
- 4.3 Description of Maintenance Requirements
- 4.4 Transfer of Maintenance Responsibilities to City of Fayetteville
- 4.5 Maintenance Access

Generally, the same information remains in this section. Excessive non-essential narrative was removed and information has been broken into smaller sections for ease of use by the reader.

Specifically, the following revisions were made to this section:

1. Single family residential subdivision maintenance agreement requirements consolidated into section 4.2.1
2. New section 4.4 (Approval) added to document conditions for approval.
3. Section 4.5 (Transfer of Maintenance Responsibilities to City of Fayetteville) was updated to present timeframes as calendar days instead of working days.
4. Section 4.5 (Transfer of Maintenance Responsibilities to City of Fayetteville) updated to clarify single family residential subdivision requirements
5. Removed some process steps internal to the City from Section 4.5 (Transfer of Maintenance Responsibilities to City of Fayetteville) –
 - a. “7. The City Engineer shall update the SCM Database to indicate that the SCM has been accepted for maintenance. Notification shall be issued to the City of Fayetteville Stormwater Services.”
 - b. “The first inspection report is due within one (1) year from the City accepting functional maintenance for the SCM and each year thereafter.” (referring to the City’s obligation to conduct reports.)
6. SCM Inspections moved to new Section 4.6

Section 5 - Performance Guarantee Requirements

To follow the structure of the Stormwater Ordinance, the section on Performance Guarantees has been moved from Section 6 to Section 5 in the Manual. Previously, the Manual included the following on this section:

Section 6.0 Performance Guarantee Requirements

- 6.1 Purpose of a Performance Guarantee
- 6.2 Performance Guarantees for Installations
- 6.3 Performance Guarantees for Public Entities

The following revisions for this section should be noted:

1. Letters of Credit have been removed as a type of performance guarantees used by the City. Cash bonds and surety bonds remain as acceptable.

Section 6 – Final Plats

Section 6 of the revised Manual includes information from Section 5 of the 2012 Administrative Manual:

Section 5.0 Final Plat Recordation

- 5.1 Purpose of a Final Plat
- 5.2 Notes on Final Plats
- 5.3 Approval Process

Most revisions made to this section were removing non-essential narrative. The following additional revisions for this section should be noted:

1. Removed references to required mylar submittals.
2. Added required plat notes for developments with an HOA and those without an HOA.

Section 7 - Inspection Process

This section contains the following information from the 2012 Manual:

Section 8.0 Inspection Process

- 8.1 Inspection Protocols
- 8.2 Penalty Assessment Process
- 8.3 Process for Appealing a Remedy or Penalty
- 8.4 BMP Inspection Fee

The content from the previous manual has been re-arranged to follow the order of the Ordinance and better follow the permitting/development processes. Additional modifications to this section include:

1. Detail regarding any internal City processes has been removed for clarity and ease of use by the reader;
2. General narratives have been reduced;
3. SCM inspection protocol specific to long-term operations and maintenance inspections has been removed from this section and included with Section 4.
4. Information related to NOV's and subsequent enforcement actions have been moved to Section 8.

Section 8 - Enforcement

This section has been added to increase language about enforcement provisions to the Administrative Manual. While the authority to enforce is provided in the City's ordinance, information about the enforcement mechanisms and process is included in the Manual for educational purposes.

Section 9 - Record Drawing Surveys and Digital Submittals

This section includes information from Section 7 of the 2012 Administrative Manual:

Section 7.0 Record Drawing Surveys and Digital Submittals

- 7.1 Requirements for Submittal of Record Drawing Surveys and Approval Process
- 7.2 Process for Submittal of Digital Records
 - 7.2.1 Digital Submittals of Record Drawings Surveys

Modification to this section includes reduction of the non-technical narrative. The following sections were added:

1. Section 9.1 Purpose of Record Drawings

2. Section 9.2.1 Single Family Residential Subdivisions to clarify the requirement for SCMs serving ans erosion control devices.
3. Section 9.3 Final Inspections details the final inspections that take place following record drawing submittals.

Section 10 – Variances and Appeals

Section 10 includes the same information as Section 9 from the 2012 Administration Manual:

Section 9.0 Appeals and Variances

- 9.1 Appeal Process
- 9.2 Variance Process
- 9.3 Appeal and Variance Hearings Before the City Council
 - 9.3.1 Hearing Procedures
 - 9.3.2 Appeal Hearings
 - 9.3.3 Variance Hearings

Though some information has been rearranged, only non-essential narrative was removed from this section.