



Legislation Text

File #: 22-2713, Version: 1

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Sheila Thomas-Ambat, Public Services Director
Byron Reeves, Assistant Public Services Director

DATE: October 3, 2022

RE:
Water Supply Watershed Management and Protection Proposed Text Amendments

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

Goal 3: High Quality Built Environment
Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

Staff seeks concurrence from City Council and request City Council to set a Public Hearing for comments on proposed text amendments for Chapter 29 of the City's Code of Ordinances, Water Supply Watershed Management and Protection.

Proposed amendments are presented in conjunction with the Fayetteville Public Works Commission's request to update the Ordinance to improve clarity, mirror the State's model Water Supply Watershed Management Ordinance, and increase runoff control requirements in the identified WS-IV Critical Area (WS-IV-AC).

Background:

The N.C. Environmental Management Commission and the Department of Environmental Quality have administered a Water Supply Protection Program since 1986. Initially, the program was administered voluntarily by counties and municipalities pursuing measures to protect their water supplies. The measures included limitations on the number and type of wastewater discharges allowed in the water supply watersheds. These limits were administered by the then Division of Water Quality, and in turn, local governments would adopt and enforce land use control ordinances to protect surface waters from stormwater runoff.

Division staff worked with local governments in determining the location of all surface water intakes and existing land use within the water supply watersheds. This information, in conjunction with information on the types and location of wastewater discharges, was used to determine the appropriate classification for the 208 surface water supplies in the state. Twelve public hearings were held on the reclassifications during August 1991 to receive public comments. The commission also decided to bring the adopted Water Supply Watershed Protection Rules with proposed modifications back to public hearing. More than 2,400 people attended the public hearings, with more than 400 providing oral comments. Over 3,000 written comments were received. The final version of the Water Supply Watershed Protection Rules was effective Feb. 13, 1992. The Environmental Management Commission reclassified all of the surface water supplies on May 14, 1992, and the classifications became effective in August 1992.

The Water Supply Watershed Protection Rules adopted in 1992 required that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, maps and management plans. The rules required all municipalities with a population greater than 5,000 to submit their adopted ordinances to the commission by July 1, 1993. To assist local governments, model ordinance was approved by the commission on July 9, 1992.

The most recent text amendment to the City's current Ordinance was dated January 28, 2008, however the Environmental Management Commission recently updated their model Ordinance 2021. The proposed text amendments reconcile the City's Ordinance to conform with the updated NCDEQ model ordinance. These revisions include definitions that are added or changed to improve clarity, minor changes to Authority and General Regulations to improve clarity, minor changes to Subdivision Regulations to improve clarity, and the addition of an Allowed/Not Allowed Use table and Density Average section. In addition to conforming with the model ordinance, updated verbiage is also proposed (i.e. Publics Works Commission to Watershed Review Board, and Inspections Director to City Manager or Designee).

The Fayetteville Public Works Commission also requests that proposed runoff control requirements in the identified WS-IV Critical Area (WS-IV-AC) be increased from 1 inch to 1.5 inches.

A red-lined version of the proposed text amendments are attached.

Issues/Analysis:

With respect to the increased runoff control requirements in the identified WS-IV Critical Area (WS-IV-AC), the current Ordinance allows for the Fayetteville Public Works Commission to designate additional permit conditions and requirements to ensure that development will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. This amendment, increasing runoff control, codifies the additional requirement. The Fayetteville Public Works Commission's goal in increasing the runoff control requirements is to mitigate turbidity, runoff, and pollutant impacts at the Glenville Water Treatment Facility and Hoffer Water Treatment Facility.

Budget Impact:

None

Options:

1. Direct staff to draft the proposed text amendments as it relates to the Water Supply Watershed Management and Protection Ordinance and schedule a public hearing for October 24, 2022.
2. Remand the proposed text amendments back to staff for further consideration.

Recommended Action:

Direct staff to draft the proposed text amendments as it relates to the Water Supply Watershed Management and Protection Ordinance and schedule a public hearing for October 24, 2022

Attachments:

- 2022.10.03 Water Supply Watershed Management and Protection Presentation
- Water Supply Watershed Management and Protection Text Amendments_draft