

TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, FEBRUARY 11, 2021

Land Use Ordinance Text Amendment Relating to the Requirements for Stormwater Management

Motion was made by Foushee and seconded by Gaylord-Miles that the Planning Board of the Town of Carrboro recommends that the Town Council reject the draft ordinance, subject to the following comments:

- The Planning Board feels that the ArtsCenter should be able to move forward with this project despite not meeting the total volume provision of the stormwater ordinance. We hold this opinion for reasons including:
 - Carrboro Vision2020 policy 1.25 calls out the ArtsCenter as a singular institution, “an integral part of the town’s cultural life” and directs the town to support the ArtsCenter.
 - The fact that the ArtsCenter has already reduced the size of the proposed building to address the constraints of the site and may not find another suitable site in Carrboro.
 - The potential for the ArtsCenter to enhance their programming to include the historically Black and Latinx neighborhoods near the site, due to having a location immediately accessible by foot, bike, and bus.
 - The fact that the proposed development includes care for the stream buffer, including the removal of invasive vegetation and maintenance of native plantings.
 - The fact that the proposed development exceeds the post-development discharge rate provision of the stormwater ordinance (50-year storm rather than the required 25-year) and includes significant stormwater detention that would slow the discharge of the excess volume in such a way to reduce the flooding impact downstream.
- However, the Planning Board believes that an amendment to the ordinance is not appropriate to solve issues related to a single site. Stormwater is a critical issue for the town. We would not want to see the exception we propose applied broadly to developments that do not provide a similar degree of public benefit. We would want to see the Town Council work to craft an exception to the ordinance.
- In the event that the Town Council proceeds with the draft ordinance, the version preferred by the Planning Board is Modified Option B. We would further wish to see this option limited so that a project must provide significant public benefit of the kind offered by, for example, a cultural or educational institution, affordable housing, social services, etc to qualify. See Vision2020 1.2 and 1.3 for further examples.

VOTE:

AYES: (6) Fray, Gaylord-Miles, Sinclair, Foushee, Mangum, Posada

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (3) Tooloe, Clinton, Poulton

Associated Findings

By a unanimous show of hands, the Planning Board membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Foushee and seconded by Gaylord-Miles that the Planning Board of the Town of Carrboro finds that a limited Modified Option B, is consistent with:

Possible related policies in Carrboro Vision2020

5.23	Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.
1.25	The town should continue to support, as well as encourage its residents to support, the ArtsCenter, which is an integral part of the town's cultural life.
3.22	Carrboro should encourage infill development and placement of architecturally significant commercial and civic buildings in the downtown.

Furthermore, the Planning Board of the Town of Carrboro finds the proposed text amendment is reasonable and in the public interest by furthering the Town's efforts toward providing access to the Arts for all of its citizens.

However, the Planning Board still prefers a remedy other than a text amendment as noted previously.

VOTE:

AYES: (6) Fray, Gaylord-Miles, Sinclair, Foushee, Mangum, Posada

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (3) Tooloe, Clinton, Poulton

Catherine Fray

(Chair)




02 / 18 / 2021

(Date)

Signature Certificate

Document Ref.: WMWJZ-7PPML-Z59HS-YMDZD

Document signed by:

	<p>Catherine Fray E-mail: cadamson@alumni.unc.edu Signed via link</p> <p>IP: 98.26.109.4 Date: 18 Feb 2021 21:26:21 UTC</p>	 
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Document completed by all parties on:
18 Feb 2021 21:26:21 UTC

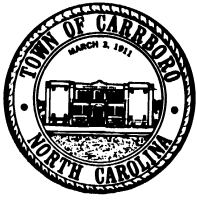
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TOWN OF CARRBORO

Environmental Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, FEBRUARY 11, 2021

Land Use Ordinance Text Amendment Relating to the Requirements for Stormwater Management

Motion was made by Brandon and seconded by Kaufman that the Environmental Advisory Board of the Town of Carrboro recommends that the Town Council not approve the draft ordinance.

- We do not recommend changing the stormwater requirements in Land Use Ordinance solely to accommodate a single project.
- Failure to meet the Town's stormwater requirements is an environmental justice issue as it could lead to negative impacts for residents downstream.
- A proposed text amendment that allows an applicant to not meet the Town's stormwater requirements is not in the best interests of the Town.

VOTE:

AYES: (4) Brandon, Blanco, Turner, Kaufman

NOES: ()

ABSTENTIONS: ()

ABSENT/EXCUSED: (2) Schalkoff, Echart

Associated Findings

By a unanimous show of hands, the Environmental Advisory Board membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Kaufman and seconded by Blanco that the Environmental Advisory Board of the Town of Carrboro finds the proposed text amendment, is not consistent with Vision2020 policy 5.23, but is consistent with Vision2020 policies 1.25 and 3.22.

Possible related policies in Carrboro Vision2020

5.23	Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.
1.25	The town should continue to support, as well as encourage its residents to support, the ArtsCenter, which is an integral part of the town's cultural life.
3.22	Carrboro should encourage of infill development and placement of architecturally significant commercial and civic buildings in the downtown.

Furthermore, the Environmental Advisory Board of the Town of Carrboro finds the proposed text amendment is not reasonable and in the public interest by furthering the Town's efforts toward providing access to the Arts for all of its citizens.


VOTE:

AYES: (4) Turner, Kaufman, Blanco, Brandon

NOES: ()

ABSTENTIONS: ()

ABSENT/EXCUSED: (2) Schalkoff, Echart



For Tim Turner (Chair)

2-11-21

(Date)



TOWN OF CARRBORO

Stormwater Advisory Commission

301 West Main Streetf Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, FEBRUARY 11, 2021

Land Use Ordinance Text Amendment Relating to the Requirements for Stormwater Management

Motion was made by Dickson and seconded by Paul that the Stormwater Advisory Commission of the Town of Carrboro recommends that the Town Council consider the following comments in relation to the draft ordinance.

The Stormwater Advisory Commission:

- 1) Believes that the Town should be strengthening and not relaxing the stormwater provisions in the LUO;
- 2) Believes that the Town should be avoiding development on greenfields within the stream buffer as a means of strengthening/implementing stormwater provisions;
- 3) The LUO requirements present minimum, but not necessarily optimal, requirements. The LUO needs to set a high bar, and higher bar, as quickly as possible, given the imperatives of protecting and restoring local creeks and Jordan Lake and addressing local resilience associated with the more frequent intense storms that are being experienced due to climate change;
- 4) Prefers that the applicant revise the application to comply with provision 15-263 (g)(3) of the current ordinance, and negate the need for a text amendment or other special consideration from the Town;
- 5) In the event that the Town Council deems that it is desirable to offer special consideration, suggests a waiver or variance as a preferable alternative to a text amendment. This could minimize the risk/damage of future projects opting to meet a lower than necessary standard;
 - a. We recommend that as part of any special consideration such as a waiver, variance, or text amendment the Town allow the applicant to consider all alternative means of complying with the volume reduction requirement to the maximum extent practicable, including the use of a blue roof.
- 6) Has provided separate comments regarding the CUP application, and requests that their full consideration be a condition of any waiver, variance, text amendment or other special consideration that may be provided;
- 7) Offers additional comments in the attachment provided below.

VOTE:

AYES: (Cox, Dickson, Joca, O'Connor, Paul)

NOES: (None)

ABSTENTIONS: (None)

ABSENT/EXCUSED: (None)

Associated Findings

By a unanimous show of hands, the SWAC membership indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Paul and seconded by Joca that the SWAC of the Town of Carrboro finds the proposed text amendment, is not consistent with:

Related policies in Carrboro Vision2020

5.23	Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.
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Furthermore, the Stormwater Advisory Commission of the Town of Carrboro finds the proposed text amendment is not reasonable and in the public interest for the reasons provided above.

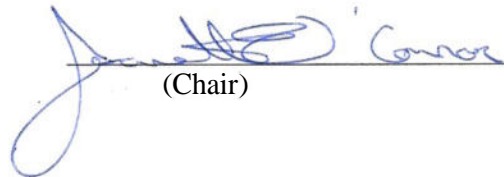

VOTE:

AYES: (Cox, Dickson, Joca, O'Connor, Paul)

NOES: (None)

ABSTENTIONS: (None)

ABSENT/EXCUSED: (None)

 (Chair)  (Date) 2/12/21

Stormwater Advisory Commission Additional Comments on the Draft Text Amendment

The Town needs to protect our stormwater regulations as they stand and extend them....not retreat from them. Volume control is essential for stream protection. Our ideal stormwater management goal should be to not alter the hydrology of urban streams. To have all the water that would infiltrate at a site....infiltrate. So the amount of water coming off impervious surface is the same as would come off a forested surface. This is the Alpha and Omega of urban stream protection and restoration. The hydrology must be as natural as possible. Geomorphology, chemistry and biology follow. The arguments presented about project size, preexisting land use, etc. are similar to arguments presented from developers across the US: "What harm could one small project make?" "There is so much runoff already, what difference does adding a little more make". "This is one small lot in a much larger watershed." This is how urban streams die and downstream water quality falls apart, not from one huge project, but rather death by a thousand cuts. If we exempt every small project or open Pandora's Box to the opportunity for every small project to be exempt from volume control....then why have volume control? Modifying the LUO doesn't just set a dangerous precedent - it facilitates it.

Similarly, the argument from the applicant that the site is being held to a bigger volume standard because it is currently forested and there is no/little runoff currently and that is not fair because projects on currently urbanized sites that are to become more urbanized have a smaller percent increase in volume to manage is not reasonable or acceptable to the SWAC. Buying hydrologically important land should come with a commensurate hydrologically important responsibility.

It is also important to point out that the reason a text amendment has been requested is because the applicant's Stormwater Impact Analysis submittal for the Joint Review showed that:

1. 15-263(g)(3) allows for a 200% annual stormwater volume increase; the proposed annual stormwater volume increase for this project is 875%
2. the staff analysis presented at the Joint Review identifies other permitted projects that have met 15-263(g)(3)
3. the reason a text amendment is being pursued is that staff have not been able to conclude that the submittal meets the requirement that the allowable volume increase is being met "to the maximum extent practicable".
4. See the SWAC CUP comments for additional input.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



TRANSMITTAL DELIVERED VIA EMAIL

February 4, 2021

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on January 23, 2021 and proposed for town public hearing on February 26, 2021:

- *An Ordinance Amending the Carrboro Land Use Ordinance Relating to the Requirements for Stormwater Management.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator