



## Legislation Text

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**File #:** 21-14, **Version:** 1

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### **TITLE:**

Request-to-Set a Public Hearing on a Text Amendment to the Land Use Ordinance Relating to Stormwater Management Requirements

**PURPOSE:** The purpose of this agenda item is for the Town Council to consider a public hearing on a text amendment relating to the volume control provisions. Draft ordinances have been prepared. Text amendments are legislative decisions; the Town Council must receive public input prior to making a decision.

**DEPARTMENT:** Planning

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**INFORMATION:** The Town has received an application for a text amendment to modify the requirements under Section 15-263, Management of Stormwater, to allow for the use of an alternative method of addressing the volume control provisions under subsection 15-263(g)(3) using a delayed release approach calculation (Attachment D). Dan Jewell, of Coulter, Jewell, Thames, has submitted this application on behalf of the ArtsCenter in relation to an application for a conditional use permit.

Subsection 15-321(c), Initiation of Amendments, outlines the process for when the Town receives an application for a text amendment; planning staff may, under provision (2), forward the petition to the Council with or without written comment for a determination of whether an ordinance should be draft and a public hearing set. As with all requests for amendments, staff may also treat the proposed amendment as one initiated by the town administration and proceed to draft an amendment if it believes that the proposed amendment has significant merit and would benefit the general public interest.

In the interest of advancing this request for consideration in conjunction with the conditional use permit application, staff has prepared two draft ordinances (Attachment B and C). The first includes the changes as requested in the application. The second seeks to address the interests expressed in a way that is more consistent with the existing framework of the Land Use Ordinance to continue to require compliance with volume control, albeit at a lesser amount in certain very specific situations. A resolution has been provided that directs staff to advance one of the draft ordinances for the public hearing. A summary of the two drafts and comparison of the changes within each is provided below:

Option A - Adds a new provision such that the permit issuing authority may approve projects meeting certain parameters related to existing conditions, community benefit and other factors, and slow release of stormwater rather than meet the annual stormwater volume reduction requirements. Departs from method used by other developments since the volume control provision was established. Does not include the measurement of volume in a comparable fashion to ordinance requirement.

Option B - Adds a new provision that establishes property size and performance criteria to allow up to a

specific increase in the post-development volume. Measurement of stormwater volume remains the same and the extent to which the regulation was being reduced or relaxed under the provision would be known.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and the Planning Board must also review; the Council may wish to include the Environmental Advisory Board and the Stormwater Advisory Commission because of their expertise with regard to the subject matter.

**FISCAL & STAFF IMPACT:** Public notice costs and staff time are associated with the review of text amendments for public hearings and advisory board review.

**RECOMMENDATION:** Staff recommends that the Town Council consider the attached resolution (*Attachment A*) and select an ordinance to advance to a public hearing on February 23, 2021.