HENDERSON COUNTY STORMWATER REGULATIONS

Why do we have a Stormwater phase II Post-Construction ordinance?

(1) To manage (by enforcing standards which shall limit the impact from existing or potential sources of contamination through the regulation of the lot sizes and development intensity) the uses of land and structures encompassed by watersheds in order to maintain the high quality of surface water in these watersheds;

(2) Managing (by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment) construction-related and post-development stormwater runoff to minimize damage to public and private property and infrastructure.

(3) To require new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm to reduce flooding, stream bank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitat.

(4) Having a local ordinance better serves our community, by being able to respond in a timely manner, as well as protecting our natural resources.

When is a stormwater phase II post construction permit required?

PERMIT REQUIRED. A permit shall be required for development activities that fall within (a), (b), and (c) below. The permit shall be issued by Henderson County in accordance with the Land Development Code Article VIII Subpart B Water Quality §42-238 through §42-250.

(a) Development and redevelopment that cumulatively disturbs more than one (1) acre and is not part of a larger common plan of development or sale;

(b) Development and redevelopment that disturbs less than one (1) acre when such activities are part of a larger common plan of development or sale, even though multiple separate or distinct activities take place at different time on different schedules; or

(c) Any activity not exempt from permit requirements of Section 404 of the Federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing agriculture and forestry activities).

Note: The built-upon area of the existing development is not required to be included in the density calculations.

PERMIT NOT REQUIRED: The Stormwater regulations shall not apply to:

(a) land management activities associated with agriculture or silviculture;

(b) activities of the North Carolina Department of Transportation (NCDOT).

(c) linear transportation projects undertaken by an entity other than the NCDOT when:

(i) the project is constructed to NCDOT standards and is in accordance with the NCDOT Stormwater Best Management Practices Toolbox (Version 2, April 2014 Edition).

(ii) upon completion, the project will be conveyed either to the NCDOT or another public entity and will be regulated in accordance with that entity's NPDES MS4 stormwater permit; and

(iii) the project is not part of a common plan of development;

(d) development activities that have already received a Stormwater Permit where no modification or a minor modification is requested. These activities shall follow their existing permit conditions.

(e) airport facilities that are deemed permitted in accordance with G.S. 143-214.7(c4); and

(f) "redevelopment" – Any land disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control to that of the previous development;

DENSITY THRESHOLDS:

Low-Density vs High-Density?

When is a project considered Low-Density?

(1) When no more than two (2) dwelling units per acre or 24 percent built-upon area for all residential and non-residential development; and

(2) The overall density of a project is at or below the relevant Low-Density threshold.

When is a project considered High Density?

Any project that exceeds the thresholds outlined for Low-Density.

STANDARDS FOR LOW DENSITY DEVELOPMENTS:

What is required if a project meets the Low-Density threshold?

Stormwater runoff from the development shall be transported from the development by vegetated conveyances to the maximum extent practicable.

What is required if a project meets the High-Density threshold?

All stormwater control measures and structural stormwater Best Management Practices (BMP) required shall be evaluated by the Water Quality Administrator according to policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the North Carolina State Stormwater BMP manual.

STANDARDS FOR HIGH-DENSITY DEVELOPMENTS:

What is required if a project meets the High-Density threshold?

The measures shall control and treat stormwater runoff from the first inch of rain over a 24-hour period. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS).

General engineering design criteria for all projects shall be in accordance with the North Carolina State Stormwater BMP Manual.

How do we determine if the design is adequate?

Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the North Carolina State Stormwater BMP manual will be presumed to meet the minimum water quality and quantity performance standards of our Water Quality regulations. If an applicant would like to utilize a stormwater BMP not designed and constructed in accordance with the criteria and specifications in the North Carolina State Stormwater BMP manual, the applicant shall have the burden of demonstrating that the practices will satisfy the minimum water quality and quantity performance standards below.

Permit Review Fees are as follows:

New or Renewal Phase II Post-Construction Plans
$505.00/project

Redevelopment Phase II Post-Construction Plans
$505.00/project