

Our quality of service, your quality of life

Kenilworth Neighborhood

May 5, 2008



Major Components

- Aquatic buffers
- Mandatory inspections
- Enforcement
- Staffing
- Watershed Policy Committee
- Beaucatcher Heights

Aquatic Buffers

- Width – 30 feet – State Minimum
- Application: All new development and redevelopment (>50% improvement of the building)
- **Recommended Change**: All new development and redevelopment (>50% improvement of the building) that disturbs over 10,000 square feet

Mandatory Inspections

- Weekly/Bi-weekly Inspections > 10,000 SF by a registered engineer or their representatives
- Contract with Engineer to provide construction management
- **Recommended Change**: Inspections can be performed by a certified professional.

Enforcement

- Assessed over \$72,000 as of April 15, 2008
- Total of 85 immediate fines
 - Grading without a permit 57
 - Off-site sediment damage 22
 - Grading in the buffer area 6
- **Recommended Change**: Amount of immediate fine for grading in the buffer area – too high

Appeals

- Twenty – one appeals of the eighty-seven
- Erosion Control Plan Review Committee
 - Public Works Director
 - Planning Director
 - Building Safety Director
- All but two have been reduced

Staffing

- Six additional staff
 - Three construction inspectors
 - Two plan reviewers
 - One administrative
- Plan review turn around time gone down
- Streamline permit process
- Increased construction inspections by 77%
- On-call 24/7 services 258-4747

Regulatory Requirements

Background: The City of Asheville was required to implement a Clean Water Act NPDES Phase II stormwater program. The program is required to provide:

- ✓ Public Education and Outreach
- ✓ Public Involvement / Participation
- ✓ Pollution Prevention / Good Housekeeping
- ✓ Construction Site Controls
- ✓ Post-Construction Site Controls
- ✓ Illicit Discharge Elimination

Requirements of City's Permit

The mandate requires the City to establish the authority to regulate stormwater management controls covering (re)development during and after the construction phase and eliminating illicit discharges.

Requirements of City's Permit

The City met that requirement by:

- Forming Watershed Policy Committee: May 2006 - 25 community representatives
- Committee/Staff/Consultant developing draft policies and ordinance: July 2006 – June 2007
- Holding public information meetings: July and August 2007
- City Council adopting a compliant ordinance – August 21, 2007: Adopted with revision and remanded back to WPC and Planning and Zoning Commission.

WPC Charter

To advise the Planning & Zoning Commission and City Council on recommended technical changes to Ordinance No. 3520, including:

- adoption of any riparian buffer requirement other than the State minimum (30 feet) requirement,
- construction phase inspection requirements, and
- enforcement measures including maximum fines that may be levied by the City.

WPC Progress to Date

- Eleven committee meetings and two public information meetings held to date.
- Have reached consensus on a number of technical revisions to the ordinance which remove unnecessary complications, facilitate administration, and avoid unintended consequences which could arise from the language in the ordinance.

WPC Progress to Date

- A Cost/Benefit working group has proposed several ordinance changes which add flexibility to the requirements and reduce the compliance burden on property owners and developers, but maintain the program's effectiveness. It is likely that the recommendations will receive near consensus endorsement.
- Continuing discussion about modifications to the aquatic buffer requirements hold some promise of recommended modifications that will be supported by a strong majority of the committee. The recommendations address both the basic aquatic buffer requirements and the implementation of credits and incentives for going beyond the requirements and restoring aquatic buffers where they are not required.

Coming Soon

- Meeting with Planning and Zoning - May 22
- Public meeting – June
- City Council – July or August

Beaucatcher Heights

- 5 Notices of Violation

• August 29, 2007	\$2,001
• October 1, 2007	\$2,001
• November 2, 2007	\$500
• March 6, 2008	\$5,000
• <u>March 13, 2008</u>	<u>\$2,001</u>
• TOTAL	\$11,503

Beaucatcher Heights

- Status of violations – revised plan outstanding
- Status of fines – all have been paid
- Status of evaluation of lake