

Amy Harvey

From: Town Council
Sent: Wednesday, May 01, 2024 1:22 PM
To: Phil Post
Cc: Adam Searing; Amy Ryan; Camille Berry; Elizabeth Sharp; Jeanne Brown; Jess Anderson; Karen Stegman; Melissa McCullough; Paris Miller-Foushee; Theodore Nollert; Amy Harvey; Ann Anderson; Carolyn Worsley; CHRIS BLUE; James Baker; Loryn Clark; Mary Jane Nirdlinger; Ross Tompkins; Sabrina Oliver; Susan Brown; Britany Waddell
Subject: RE: Text Ammendment LUMO 5.4.6

Hello Phil,

Thank you for your email. I am copying the Mayor and individual Council members, as well as appropriate staff on this message.

Best,

Shay Stevens

Shay C. Stevens | She/Her
Community Relations Manager
Manager's Office
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705
Phone: (919) 968-2831

-----Original Message-----

From: Phil Post <philip.n.post@gmail.com>
Sent: Monday, April 29, 2024 11:56 AM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Text Ammendment LUMO 5.4.6

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Dear Madame Mayor and Members of Town Council,

This text amendment will increase flood storage volume by 35% and require that the increased volume be stored on site and released over 1 to 3 days.

This will result in increased design cost, increased construction cost and increased space on a site to store stormwater. The increased costs and increased space will severely and negatively impact small, infill projects. Larger projects

typically have more flexibility and can deepen their BMP. Smaller, infill projects typically use BMPs where depth is restricted by rule and the only way to create more volume is to enlarge the footprint of the BMP. Thus, small infill projects face a double problem: more cost and more land area where trees must be removed to increase the footprint of their BMP.

I have met with all levels of Town Staff to urge that, in conjunction with the new rule, a targeted, modest exemption for small infill projects be adopted to mitigate the hardships to be imposed on small infill projects. I have suggested that all projects less than 3 acres in size, which might already be developed and contain some existing impervious surface, be granted a 1000 SF impervious exemption. This small project exemption would be similar to the exemption for single family and duplex homes, which has been in place for many, many years.

I believe a targeted, modest exemption for small infill projects should be adopted now, in conjunction with the rule change, The relief should not be delayed to either be forgotten, or swept up into a process where the relationship between the increased hardship and the necessary relief are no longer evident.

Please consider granting a 1000 SF exemption to infill projects less than 3 acres in size, similar to the exemption enjoyed for many years for homes and duplexes.

Respectfully,
Phil Post

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Philip N. Post , PE, PLS
Phone / Text (919) 818-7862

Amy Harvey

From: Town Council
Sent: Wednesday, May 01, 2024 2:19 PM
To: John Mackowiak
Cc: Adam Searing; Amy Ryan; Camille Berry; Elizabeth Sharp; Jeanne Brown; Jess Anderson; Karen Stegman; Melissa McCullough; Paris Miller-Foushee; Theodore Nollert; Amy Harvey; Ann Anderson; Carolyn Worsley; CHRIS BLUE; James Baker; Loryn Clark; Mary Jane Nirdlinger; Ross Tompkins; Sabrina Oliver; Susan Brown; Britany Waddell; Lance Norris
Subject: RE: Please Vote NO on stormwater text amendment

Hello John,

Thank you for your email. I am copying the Mayor and individual Council members, as well as appropriate staff on this message.

Best,

Shay Stevens



Shay C. Stevens | She/Her
Community Relations Manager
Manager's Office
[Town of Chapel Hill](#)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705
Phone: (919) 968-2831

From: John Mackowiak <john.mackowiak@gmail.com>
Sent: Wednesday, May 1, 2024 2:10 PM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Please Vote NO on stormwater text amendment

Caution external email: Don't click links or attachments from unknown senders. To check or report click the Phish Alert Button

Dear Mayor and Town Council Members,

I urge you to vote NO on the draft text amendment for LUMO 5.4.6 because it continues use of outdated terms that are no longer enforceable, and it gives false hope by putting a high stormwater burden on a small portion of <1% of land being developed and redeveloped, and puts almost no stormwater responsibility on the >99% of the town's surface area that is not being redeveloped. Increasing the stormwater burden on a small fraction of the land may disincentivize the development of that land to is needed to achieve the town other housing goals. As such, the regulation can cause harm, and may not lead to significant good.

A year ago, the Town Council passed Housing Choices regulations with a significant positive environmental impact because it will increase the supply of housing. If this stormwater regulation is passed, the stormwater devices on a lot and their required easements will require at least 35% more area. The new area needed for stormwater cannot be used

for housing or existing tree cover. You can't have it both ways. Land can be used for housing every day, or used to handle storms which occur less than every 25 years. The same land can't do both. To be exempt from this regulation, this regulation will incentivize lot owners to reduce the number of lots being produced to 3 or less. So just to mitigate the very rare storms which occur less than every 25 years, less lots may be developed, less cottages may be built. Less housing leads to higher prices, and more commuting and road congestion every day. Perfection with stormwater management for rare severe storms can therefore increase daily commuting related pollution.

More detail below:

- 1) 85% TSS removal is an outdated term. The state has stopped using that terminology because current research has proven that most stormwater measures do not achieve that goal. They substituted a new system, and the LUMO should reflect the current NC standards. <https://files.nc.gov/ncdeq/Energy%20Mineral%20and%20Land%20Resources/Stormwater/BMP%20Manual/SSW-SCM-Credit-Doc-20170807.pdf>

Stormwater Control Measure Credit Document



B.1. Primary vs. Secondary SCMs

In the past, 85% TSS removal has been used as a standard. DEQ is no longer using that standard because it is not reflective of the actual field performance of SCMs. Most SCMs do not remove 85% of TSS, especially at lower concentrations of TSS in the influent.

SCMs are designated as either primary or secondary based on their demonstrated performance at TSS removal in research studies. With stakeholder input, DEQ developed the table and graph below to characterize the performance that is required of primary SCMs. In addition to the table below, primary SCMs shall be capable of treating the design storm (1.5 inches in Coastal Counties and 1 inch in the remainder of the state).

- 2) As part of the new LUMO process and going forward, Chapel Hill need to develop regulations which acknowledge that stormwater goals can NOT be met by simply increasing the requirements on a tiny subset tiny of the land area that is being redeveloped each year. It reminds me of the joke about a person hopelessly looking for keys, not where they were lost the keys, but where the light is better. The town is raising standards on new development, not because it will solve the problem, but because they have not yet found a way to address the problem in a holistic and effective manner. So instead we give false hope by focusing regulation where its expedient to implement high standards on a very few, but it's unlikely to fix the stormwater problem.



Other parts of the LUMO are designed more to work more wholistically. The LUMO does not require each lot to set aside a portion of each lot to be a public park, but it collects payment-in-lieu for parks so they can be built where they are needed. When I served on the Inclusionary Zoning Task Force we established a means for collecting payments to build affordable housing from smaller developments, where a single unit could not be built. Similarly, the town needs to use a problem based approach, to identify stormwater goals where the stormwater problems are worst in town, and develop and fund strategies which can mitigate the problem in those specific areas. Putting a high 100-year storm requirement on a new lot that does not contribute to a known problem, will not necessarily help the town achieve a stormwater goal, but may prevent the town for achieving other housing goals.

Othe municipalities like Santa Monica CA and Beaufort NC have implemented retrofit projects with less capacity designed to handle the frequent storms. As such, perfection or high standards are not the enemy of the good.



Retrofit project with modest capacity in Beaufort NC



Incorporating small BMPs where possible into a fully built-out

John Mackowiak
919-619-3838 cell

Amy Harvey

From: Town Council
Sent: Wednesday, May 01, 2024 2:20 PM
To: Holly Fraccaro
Cc: Adam Searing; Amy Ryan; Camille Berry; Elizabeth Sharp; Jeanne Brown; Jess Anderson; Karen Stegman; Melissa McCullough; Paris Miller-Foushee; Theodore Nollert; Amy Harvey; Ann Anderson; Carolyn Worsley; CHRIS BLUE; James Baker; Loryn Clark; Mary Jane Nirdlinger; Ross Tompkins; Sabrina Oliver; Susan Brown; Britany Waddell; Lance Norris
Subject: RE: 100 Year Design Standards - Stormwater Management

Hello Holly,

Thank you for your email. I am copying the Mayor and individual Council members, as well as appropriate staff on this message.

Best,

Shay Stevens



Shay C. Stevens | She/Her
Community Relations Manager
Manager's Office
[Town of Chapel Hill](https://www.townofchapelhill.org)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705
Phone: (919) 968-2831

From: Holly Fraccaro <holly@hbadoc.com>
Sent: Tuesday, April 30, 2024 3:33 PM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Cc: Holly Fraccaro <holly@hbadoc.com>
Subject: 100 Year Design Standards - Stormwater Management

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Mayor Anderson and Members of Chapel Hill Town Council
Town of Chapel Hill
405 Martin Luther King Jr. Boulevard
Chapel Hill, NC 27514

RE: Request for Deferral on Adoption of 100-Year Design Standards for Stormwater Management

Dear Mayor and Council,

On behalf of the Home Builders Association of Durham, Orange, and Chatham Counties, I am writing to express our concerns regarding the proposed 100-year flood design standards for stormwater management in Chapel Hill, and to ask

that you defer your decision on adopting new standards until a more thorough cost/benefit analysis has been completed.

We understand the importance of effective stormwater management to environmental sustainability and community resiliency. However, we believe it is essential to strike a balance between environmental goals and housing affordability, especially in a community where housing costs continue to escalate, and supply remains extremely tight.

Implementing 100-year design standards for stormwater management will require additional on-site water detention for a longer duration. This means more space on a site devoted to stormwater capacity or more underground infrastructure. Either way, the cost of residential development in Chapel Hill will increase, and those added costs will ultimately impact homebuyers.

We suspect the actual added costs per unit of housing as a result of increased stormwater standards will vary depending on the size and nature of the project. For some projects, the added cost may prove palatable, for others, it may well be prohibitive. We are particularly concerned about the impact to smaller infill, reuse, and redevelopment projects, but need additional time to fully understand the actual cost implications for various project types.

Considering that a comprehensive rewrite of the Town's entire Land Use Management Ordinance (LUMO) is already underway and on track for Council adoption late this year, we think it is prudent to evaluate this regulation in context with other potential changes to site design and regulations. Therefore, we respectfully request that the Town of Chapel Hill defer its decision on adopting 100-year design standards for stormwater management, and incorporate this proposed text amendment in the broader LUMO rewrite.

We are committed to working collaboratively with the Town of Chapel Hill to develop sustainable and equitable solutions that address both our environmental responsibilities and the need for affordable housing. Thank you for considering our concerns and request for deferral. We look forward to continued dialogue and cooperation on this important issue.

Sincerely,

Holly Fraccaro, CEO

HBA of Durham, Orange & Chatham Counties

Mailing Address: 1821 Hillandale Road, Suite 1B-138

Durham, North Carolina 27705

Mobile: 919.265.9350

Office: 919.493.8899