



MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Buz Johnson
DATE: July 7, 2011
SUBJECT: Report of the Stormwater Ordinance Review Committee

STAFF RECOMMENDATION:

APPROVE the report.

BACKGROUND:

On October 26, 2009, the Knox County Commission passed a resolution calling for the establishment of a committee for the purpose of reviewing the county's stormwater ordinance and the procedures related to land development activities in Knox County. The committee, which was comprised of interested citizens, Knox County stormwater and law department staff, developers, engineers, and others involved in addressing stormwater issues, met almost on a monthly basis to identify and discuss key issues pertaining to stormwater management and regulations. The committee prepared the attached report of recommendations (Exhibit A) to address those issues and provide a course of action for making changes to the stormwater ordinance and revisions to current development review procedures.

COMMENTS:

The report's recommendations, which are listed in order of priority, include reasons for their inclusion, examples of possible initiatives, primary responsibilities for implementation and a schedule for completion. The following is a list of the recommendations:

- Re-establish the Stormwater Advisory Board for continued discussion of pertinent issues related to stormwater
- Implement and complete the Water Quality Scorecard Process as part of the NPDES Phase II permitting process
- Amend the minimum subdivision regulations and the zoning ordinances to improve the development review process and incorporate new standards as needed

- Examine local land use policies to determine needed changes affecting stormwater management
- Identify and implement measures to streamline the development review process
- Amend the Knox County Stormwater Ordinance with changes as identified
- Develop training and certification programs for Knox County stormwater staff, as well as engineers and related professionals in private practice
- Examine available resources to support effective levels of stormwater management, oversight, enforcement and maintenance
- Determine the feasibility of establishing a permanent body with authority to address stormwater issues in Knox County
- Identify and make recommendations on possible funding sources to support major program recommendations

If established, the Stormwater Advisory Board can serve to oversee the process for implementing any of the other nine recommendations listed, in addition to addressing other issues as they may arise.

ATTACHMENT:

Exhibit A is a copy of the report outlining the committee's recommendations.

STORMWATER ORDINANCE REVIEW COMMITTEE Draft Recommendations

The Stormwater Ordinance Review Committee, established by resolution of the Knox County Commission in 2009, recommends the following to address stormwater issues in Knox County. The recommendations deal with the Knox County Stormwater Ordinance, as well as the development review process administered by the Metropolitan Planning Commission and the Knox County Department of Engineering and Public Works (Stormwater Management Office).

The recommendations are prioritized based on two factors: how immediate their impact could be on addressing stormwater issues in Knox County and how quickly each can be examined through further study and brought forward for action. Certain initiatives will require some level of public input and participation, as well as an analysis of what other communities have done to address the identified issue. Others will require more substantial analysis, public review and engagement and thorough consideration by local legislative and administrative officials.

RECOMMENDATIONS

#1 Re-establish the Stormwater Advisory Board as a venue for continued discussion of pertinent issues related to stormwater

Reasons:

- To maintain open dialogue regarding stormwater issues between city and county stormwater staff, planners, developers, builders, engineers, neighborhood representatives, and other stakeholder groups
- To determine the feasibility of major initiatives, including, but not limited to, establishing a Knox County Board of Environmental Appeals, a stormwater utility district and an enforcement response plan
- To consider other recommendations as may be listed in this report

Examples:

- Meetings on a regular basis to identify primary problems and opportunities having an impact on effective stormwater management in Knox County
- Creation of a separate Knox County appeals board, or expansion of the Knoxville appeals board to include county representation
- Creation of a stormwater utility board, on par with current utility districts serving in Knox County

- Creation of an enforcement response plan

Primary Contact/Responsibility:

- Knox County Stormwater Management, MPC, Knox County Law Department

Schedule:

- ***Complete by September, 2011 (re-establish board, with recommendations from the Stormwater Ordinance Review Committee on board composition)***
- ***Complete by June, 2012 (recommendations on appeals function with other recommendations to follow as they are ready)***

#2 Implement and complete the Water Quality Scorecard Process

Reason:

- To identify and examine ways to improve the Stormwater Ordinance, and related procedures and policies, and recommend specific changes for implementation

Example:

- Use of the process to improve overall development review procedures, establish requirements and standards as necessary and recommend changes to the Stormwater Ordinance

Primary Contact/Responsibility:

- Knox County Stormwater Management

Schedule:

- ***Complete by December, 2011***

#3 Amend the *Minimum Subdivision Regulations* and/or zoning ordinance to improve the development review process and incorporate new standards as needed

Reasons:

- To enhance pre-development communication between planners, stormwater management staff and developers and engineers
- To reduce where possible unnecessary overlap and contradictions between city and county requirements in the *Minimum Subdivision Regulations*
- To better address best management practices (BMP) and low impact development (LID) principles and reduce conflicts with

current requirements to meet new NPDES Phase II stormwater design requirements (i.e., infiltration techniques, buffers, etc.)

Examples:

- A required pre-concept plan conference between MPC/county stormwater staff and developers and engineers to identify issues related to the development of certain properties and strategies to address such issues.
- Revised requirements in the subdivision regulations to better reflect current BMP and LID principles.
- Based on the new NPDES Phase II permit, better agency coordination for oversight and facilitation of BMPs and LIDs.
- Other changes through the Water Quality Scorecard process.

Primary Contact/Responsibility:

- MPC, Knoxville Stormwater Engineering, Knox County Stormwater Management, Knox County Law Department

Schedule:

- ***Complete by December, 2011 (for current changes)***
- ***Complete by June, 2012 (for additional changes as may be considered and recommended)***

#4 Examine local land use policies to determine needed changes affecting stormwater management

Reason:

- To better address stormwater issues through the county's General Plan and sector plans, the Growth Policy Plan and other policy documents affecting the community's future development

Examples:

- Based on the Beaver Creek model, coordination of basin wide master planning with MPC's General Plan and sector plan processes
- Knox County Stormwater Management Manual (Design and Policy)
- Utilization of NPDES Phase II-compliant technology
- Update of local mapping to reflect new FEMA floodway information
- Other changes through the Water Quality Scorecard process

Primary Contact/Responsibility:

- Knox County Stormwater Management, MPC

Schedule:

- ***Complete by March, 2012***

#5 Identify and implement measures to streamline the development review process

Reasons:

- To reduce unnecessary overlap between local, state and federal requirements
- To determine the need for better jurisdictional coordination in plan review and the enforcement of regulations and requirements
- To comply with TDEC Qualified Local Program (QLP) initiative, which Knox County will be urged to follow

Examples:

- Reduction in overlap in the process to eliminate confusion over what is the official plan of record for review purposes
- Training and professional development for staff (one example: in-house stream determination)
- Published, accessible design standards and a clear plan review process
- Other changes through the Water Quality Scorecard process

Primary Contact/Responsibility:

- MPC, Knox County Stormwater Management

Schedule:

- ***Complete by June, 2012 (development process inventory)***
- ***Complete by September, 2012 (related to changes to Minimum Subdivision Regulations)***

#6 Amend the Knox County Stormwater Ordinance, as proposed by the Knox County Law Department

Reason:

- To streamline current regulations and requirements, making the regulatory process more efficient

Examples:

- Removing certain definitions from the ordinance and placing those definitions in the Stormwater Manual
- Other changes that may result from the Water Quality Scorecard process

Primary Contact/Responsibility:

- Knox County Law Department

Schedule:

- ***Complete by September, 2012***

#7 Develop training and certification programs for Knox County stormwater staff, as well as engineers and related professionals in private practice

Reasons:

- To ensure that the stormwater staff has the appropriate level of training and expertise to fulfill EPA requirements, as well as to ensure that local stormwater issues can be addressed
- To train engineers in the latest BMPs and other techniques that result in development that enhances stormwater control and management
- To update engineers on the latest in EPA and other local, state and federal requirements

Examples:

- Training efforts in collaboration with the Tennessee Stormwater Association (TNSA) in order to save costs and foster uniformity between communities.
- Outside training and professional development for staff
- A certification program for stormwater professionals (government officials, as well as engineers, surveyors, contractors, builders and real estate developers) with institutional benefits and recognition for continued education and sound practice in construction.
- Opportunities to partner with the developing UT SMART center to research stormwater management practices in field applications
- Process incentives for projects designed by certified engineers
- Other changes through the Water Quality Scorecard process

Primary Contact/Responsibility:

- Knox County Stormwater Management

Schedule:

- ***Complete by September 2012***

#8 Examine available resources to support effective levels of stormwater management, oversight, enforcement and maintenance

Reasons:

- To satisfy the requirements of the NPDES Phase II permit process for adequate levels of staffing
- To exert better, more effective control over the use of BMPs in addressing stormwater problems
- To ensure that existing personnel are being used for maximum benefit in a cost effective manner

Examples:

- Adequate staffing for proper management, oversight and enforcement, as well as for maintenance of facilities
- Anticipated needs to meet TDEC/EPA requirements that include staff assigned to carry out yearly inspections of built, permanent stormwater BMPs and to perform stream assessments, monitoring, and determinations of community waters (i.e., a biologist or someone with similar expertise)
- Other changes through the Water Quality Scorecard process

Primary Contact/Responsibility:

- Knox County Stormwater Management, Knox County Commission

Schedule:

- *Complete by December, 2012*

#9 Determine the feasibility of establishing a permanent body with authority to address stormwater issues in Knox County**Reasons:**

- To enforce the stormwater ordinance, serve as an appeals panel, investigate funding issues for improvements and staffing, provide hearing and review for policy development and act as body for the ongoing review of stormwater issues

Examples:

- Consideration of a county-wide stormwater utility board, with power and authority similar to that of a water or gas utility
- Development of a permanent stormwater advisory board (similar to boards that exist in the City of Knoxville and Town of Farragut but with specific tasks as may defined in the revised Stormwater Management Ordinance)

Primary Contact/Responsibility:

- Knox County Stormwater Management, Knox County Law Director, Knox County Commission

Schedule:

- *Complete by March, 2013*

#10 Identify and make recommendations on possible funding sources to support major program recommendations**Reasons:**

- To maintain compliance with TDEC and EPA regulations, which may require more staffing as regulations evolve over time

- To provide more efficient services and opportunities that enhance economic growth without sacrificing water quality, safety or compliance with regulations
- To support the hiring and training of additional staff as outlined under Staffing
- To support other program enhancements, such more effective data management and long-term planning objectives

Examples:

- Utilization of funding sources that could include user fees, fines/penalties, grants and bonds, to achieve an acceptable level of staffing in support of EPA requirements

Primary Contact/Responsibility:

- Knox County Stormwater Management, Knox County Law Director, Knox County Commission

Schedule:

- ***Complete by June, 2013***