



DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

May 21, 2008

Pamlico County submits the following points with regard to 15A NCAC 02H .1005

P1/L3 15A NCAC 02H .1005

DWQ's FAQ sheet states that "DWQ is not aware of any scenario in which the implementation of the proposed rule changes would make any lot **"unbuildable"**. Nothing in these rule changes will limit what can be built on a lot. These rule amendments only require the control and treatment of stormwater runoff from new development."

- In fact there are scenarios where one could find that his property is unbuildable.
 - Example. A lot that has high water table, (less than 12" from top of soil) as many are in Pamlico County, one area that "perks" where septic is to be installed, the need to install a well for water, and then installation of driveway and home, limited space for installation of man-made wetland, could make the lot unbuildable.
- Is there a simple variance process in place, and at what cost to a property owner to prove hardship?

Jayne Robb

Pamlico County Planner/Economic Developer

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One Rule Fits All/No credit for sensible land planning.

- The nature of Pamlico County's waters and the steps we have taken to be good stewards of our land and waters have been totally ignored by the people that drafted this rule.
- Pamlico County does not have "uncontrolled development". The County's Land Use Plan since 1990 has regulated density by requiring waterfront lots to be a minimum of 1-acre. Almost no thought has been given to effective BMP's for our county.

P1/L8 ...that disturb more than 10,000 square feet...

- What is DWQ's rationale behind the 10,000 sq ft threshold for disturbance?
- The 10,000 sq ft threshold punishes large lots which is counterproductive to good land management practices and Pamlico County's Land Use Plan requiring 1 acre waterfront lots.
- This rule has the potential to influence future land development of by the creation of higher density with small lots that fall under the 10,000 sq ft threshold.
 - NOTE: DWQ's FAQ sheet states these rules will have no impact on lots that are less than 10,000 sq ft.
- The 10,000 sq ft threshold will have the perverse effect of thrusting land owners with one acre lots or more into a BMP environment that may not be applicable in Pamlico County.

P1/L27-29 Development within 575 ft of the mean high water line of areas designated by the EMC as Outstanding Resource Waters shall be limited to a built upon area of 25 % or less...

- Is there a maximum allowable impervious surface coverage of 25% on property with 575 ft of ORW?

- Are there any other "hidden" maximums or are all of the other percentages just thresholds?

P4/L6-9 For structural stormwater controls that are required under this Rule and that require separation from the seasonal high-water table, a minimum separation of two feet is mandated.....

- Can existing wetlands be used as filtration for stormwater runoff?
- Where can one find plans for creating wetlands for stormwater runoff?
- What are the estimated costs to create wetlands?
- Since the proposed rules do not allow for the counting of wetlands in calculating the percentage of impervious surface would "man-made" or newly created wetlands also be removed from the uplands thereby reducing the usable land even more?
- Will full stormwater control "credit" be given immediately for created wetlands?