



Legislation Details (With Text)

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File created:	3/28/2011	In control:		In control:	City Council
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Title: ORDINANCE NO. O-1011-52: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-52 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-52 upon Final Reading as a whole.

ACTION TAKEN: _____

Sponsors:

Indexes:

Code sections:

Attachments: 1. O-1011-52, 2. O-1011-52 Annotated, 3. O-1011-52 Timeline 5-11-11, 4. WQPZ Staff Report from PC meeting, 5. 4-14-11 PC Minutes-WQPZOD, 6. April 8 PCDC Minutes, 7. March 8 Conference minutes, 8. February 11 PCDC Minutes, 9. 6-23-11 Special PC Meeting Minutes.pdf

Date	Ver.	Action By	Action	Result
6/28/2011	1	City Council	adopted on Second Reading Section by Section, as amended	
6/28/2011	1	City Council	adopted on Final Reading as a Whole, as amended	
5/31/2011	1	City Council	postpone	
5/10/2011	1	City Council	Introduced and adopted on First Reading by title only	

ORDINANCE NO. O-1011-52: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE FOR STANDARDS AND REQUIREMENTS FOR A DESIGNATED WATER QUALITY PROTECTION ZONE INCLUSIVE OF THE LAKE THUNDERBIRD WATERSHED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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Background The Storm Water Master Plan (SWMP) contained several recommendations aimed at improving water quality. The recommendation that led to the ordinances before Council was set forth in the SWMP as follows:

- Dedicate Stream Planning Corridors (SPC's) and/or the 100-year full buildout floodplains to the City of Norman by easement or title for streams located in the Lake Thunderbird watershed that have a drainage area greater than 40 acres.
- Prohibit development or significant land disturbance in the SPCs and/or the 100-year full buildout floodplain. Exemptions should include items such as, but not limited to, maintenance activities, greenway trails, road crossings, utilities, and stream stabilization measures.
- Require additional stream-side buffers of 15 ft to each side of streams with drainage areas greater than 40 acres that are located in the Lake Thunderbird watershed and also in Suburban Residential and Country Residential areas as defined in the Norman 2025 Plan including subsequent updates to the comprehensive plan as adopted by City Council.

Storm Water Master Plan, Section 9.9.

Following the acceptance of the SWMP and adoption of the SWMP Action Plan in November 2009, Staff began working towards the development of a draft ordinance that would address this recommendation from the SWMP. After developing a draft ordinance, Staff met several times with the City Council sub-committee for the SWMP as well as the SWMP Task Force, a group made up of developers, engineers, scientists, and other local citizens. The Norman Planning Commission was briefed on these ordinances during a Study Session on April 7, 2011. The ordinances were presented to Planning Commission for a vote on April 14, 2011.

Following the April Planning Commission meeting, there was an allegation that there was a deficiency in the notice for the Water Quality Protection Zoning Overlay District Ordinance that was heard by the Planning Commission in April. Although the Overlay District does not change the underlying zoning designation, Staff felt it was prudent to provide notice as if it was a zoning change to avoid any potential legal challenges based on procedural errors and to refocus discussion of these items to the policy considerations. Therefore, Planning staff asked for a Special Meeting of the Planning Commission to reconsider the ordinances with the appropriate notice being provided in accordance with our code provisions as they pertain to zoning changes. Although published and mailed notice is only required for changes to the zoning ordinance, Staff opted to give notice for both ordinances related to the Water Quality Protection Zone so that citizens potentially affected by either of the ordinances could be heard. The Planning Commission is scheduled to hold the public hearing on June 23, 2011. Minutes from the June meeting will be provided separately.

One of the key recommendations from the SWMP, as quoted above, dealt with the benefits of riparian buffers. Riparian buffers, or areas of undeveloped land adjacent to streams, provide a number of benefits related to water quality, including reduction of streamside erosion, infiltration of storm water runoff, control of sedimentation, and restoration and maintenance of the chemical, physical and biological integrity of water resources.

Discussion The ordinances before Council would require applications for preliminary plats or Norman Rural Certificates of Survey to identify the streams on the subject property and denote a buffer on either side of the stream. The ordinance calls for the buffer to be the greater of the FEMA floodplain, the Full Build-Out Floodplain, or 100 feet. The buffer is generally an area that is natural and vegetated; however, in order to address fire risk, staff worked with the Norman Fire Department to require a level of maintenance for any portion of the buffer that is within 30 feet of a combustible structure. (*O-1011-52, Section 19-514D, E*). While the ordinance calls for a drainage easement to be donated to the City for these buffers, nothing in the ordinance requires a trail or general public access to these areas. (*O-1011-52, Sections 19-411G and 19-514B*). The purpose of the easement is to allow City crews access to inspect and address and maintenance issues with the buffer and the stream itself. (*O-1011-52, Section 19-514C*).

The FEMA floodplain encompasses the areas along both sides of streams or drainage corridors that have a drainage area greater than 640 acres and would be inundated by a 100 year rain event in any given year assuming only current development conditions. The Full Build-Out Floodplain encompasses the areas along both sides of streams or drainage corridors in the Lake Thunderbird Watershed that have a drainage area greater than 40 acres and would be inundated by a 100-year rain event in any given year assuming full build-out watershed conditions.

The designated buffer area would be called the Water Quality Protection Zone (WQPZ). The buffer is divided into three zones - streamside, middle and outer zone with uses being more restricted the closer you are to the stream. The buffer width may be increased if the stream is a 3rd order or higher stream (these are typically the larger streams), if certain steep slope conditions exist in the buffer, and to encompass wetland areas.

Since riparian buffers are essentially areas of undeveloped land, it is important that buffer ordinances are flexible to accommodate development conditions. In the WQPZ ordinances before Planning Commission, several things have been incorporated to insure flexibility. First, the buffer width discussed above will be reduced for first-order stream to 50 feet or the Full Build-Out Floodplain with a showing that an engineered solution will provide a particular level of phosphorus and nitrogen removal (*O-1011-52, Section 19-411D*). Second, the buffer width can be reduced in all streams if the Applicant seeks a variation in accordance with Section 19-601(B), also in O-1011-52.

The ordinance also explicitly allows for specifications and requirements in the Engineering Design Criteria to be modified to accommodate low impact development strategies (*O-1011-52, Section 19-411H*). The ordinance allows for the buffer to be modified to recover a lost lot as long as the average width of the buffer meets the requirements in 19-411(B). (*O-1011-52, Section 19-601B.2*.) Finally, the additions to the Zoning Ordinance allow for reduction in minimum lot size and transfers in development density to allow developers to recover lots lost because of the WQPZ.

Conclusion and Recommendation Staff has worked diligently with the Storm Water Task Force, the Council Sub-Committee, as well as developer representatives to develop ordinances that will both protect and enhance water quality, while also striking the appropriate balance with development rights and goals. Staff recommends the Commission recommend approval of Ordinances No. O-1011-52 and O-1011-53.