



## REQUEST FOR BOARD ACTION

ITEM NO. 13.

**DATE OF MEETING:** August 3, 2009

**REQUESTED BY:** Paul Parker, Facilities and Property Manager; Greg Thompson, Southern Engineering

**SHORT TITLE:** Resolution Adopting Pender County Drainage Management Policy and FY 09/10 Action Plan

**BACKGROUND:** One of the objectives of the Board of Commissioner's FY 09-11 Action Plan is to prepare and implement a Drainage Management Policy. The Board has recently approved a Drainage CIP outlining major drainage issues. A draft Drainage Management Policy is attached for Board consideration, as well as a specific FY 09/10 Drainage Action Plan.

The Policy sets forth objectives, responsibilities, common issues, and funding resources regarding drainage management for Pender County. The Action Plan goes further and sets forth specific objectives and strategies to be implemented in the coming fiscal year. Mr. Parker will be responsible for implementing the action plan in coordination with Mr. Thompson.

**SPECIFIC ACTION REQUESTED:** To adopt a resolution approving the Pender County Drainage Management Policy and the Pender County Drainage Management Policy Action Plan FY 09/10.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

*JB*

Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

The Pender County Drainage Management Policy and the Pender County Drainage Management Policy Action Plan FY 09/10 are hereby adopted. The County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Tate \_\_\_ Brown \_\_\_ Blanchard \_\_\_ Rivenbark \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Jimmy T. Tate, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
Date

# Pender County Drainage Management Policy

## Sec. 1. Statement of Policy

It is a responsibility of the Pender County Board of Commissioners to protect and promote the public health, safety and general welfare of the County; to safeguard the County's natural environment and manmade resources; to maintain and enhance the quality of life in the County, and to ensure effective management of the County's natural resources. The effective management of natural and man-made drainage systems is important to fulfilling these responsibilities, therefore the Board of Commissioners establish drainage management objectives and policy as set forth herein.

## Sec. 2. Objectives

The objectives of this policy are to:

- a. Identify and document drainage and flooding issues in Pender County;
- b. Prevent the creation of new drainage and flooding issues in the County;
- c. Educate the citizenry as to the importance of effective drainage management practices
- d. Develop partnerships with property owners to foster collaboration in addressing and remedying drainage and flooding issues in the County;
- e. Foster partnerships and collaboration with local, state and federal agencies in managing and developing solutions to drainage and flooding issues in Pender County and the region;
- f. Position Pender County to justify and secure grants and other financial resources for implementing drainage and flooding solutions.

## Sec. 3. Responsibilities

Responsibility for the implementation of this policy rests with a multitude of stakeholders. *Individual property owners* of developed or undeveloped land within the unincorporated areas of the county are responsible for maintaining water conveyance systems (such as waterways, ponds, streams, creeks, ditches, swales, culverts) and storm water management systems on their property in such a manner that they do not create drainage or flooding problems for adjacent properties. Property owners are also responsible for collaborating with the County and other agencies for remediating drainage and flooding problems that are determined to be a public health, safety or welfare risk, or that otherwise create detrimental conditions to life or property.

*Pender County* is responsible for ensuring the health, safety and general welfare of its citizens is protected, for safeguarding the County's natural environment and manmade resources, for maintaining and enhancing the quality of life for its citizens and for ensuring effective management of the County's natural resources. Inasmuch, through its management and staff, Pender County is responsible for facilitating and collaborating with others to fulfill the objectives outlined in Section 2. This includes but is not limited to facilitating the implementation of this policy, identifying and documenting existing or potential drainage and flooding problems, coordinating with property owners and agencies to effectively

resolve those existing drainage and flooding problems, ensuring new land use and development regulations provide for best management practices in addressing new growth and development throughout the county, and seeking grant and other financial resources to help address drainage and flooding issues.

A variety of *state and federal agencies* also have responsibility for drainage and flooding management in Pender County:

US Army Corps of Engineers-Federal Wetlands Permitting (404)

NC Department of Health and Natural Resources

Division of Water Quality- Stormwater Permitting, State Wetlands Permitting (401)

Division of Land Resources, Land Quality Section-Erosion Control Permitting

NC Department of Transportation- Responsible for roadway related drainage

NC Division of Coastal Management-CAMA Permitting

Contributing Agencies include: NC Wildlife Resources Commission, US Fish and Wildlife, NC Division of Marine Fisheries, and USDA- Wildlife Services (Beaver Removal).

#### **Sec. 4. Description of Common Issues**

Drainage and flooding problems in Pender County are caused by a variety of factors and each may require a variety of solutions to resolve. An example of the types of common issues residing in the county include but is not limited to:

- a. Beaver Dams- Localize flooding of farm lands.
- b. Alligator Weed-Restricted flow in creeks and streams, also causing localize flooding during rain events.
- c. Debris & Obstructions-Great fish habitat, however another flow continuous flow restriction which in turn causes back up in streams and rivers.
- d. Maintenance and Management of Water Courses on Private Properties- property owners who put in under sized culverts and do not clear debris in their private drainage ditches.
- e. Weather Events-Cloud busts or large amount of rain in a short period of time, along with hurricanes with rain over a large amount of time (days).

#### **Sec. 5. Funding Resources**

A multitude of financial resources is required to address and remedy drainage and flooding issues like those listed above. A successful drainage management plan requires both public and private resource development, including but not limited to those resources as listed below:

- a. Private Resources

Individual property owners are responsible for maintaining and managing water conveyance systems and stormwater management systems on their property. Inasmuch, it is the responsibility of those property owners to provide the financial resources to effectively manage those systems such that they do not create drainage or flooding problems for others.

b. Pender County

The County has a variety of funding and financing options available to it to address local and regional drainage and flooding issues. The County may appropriate funds for drainage management projects or for drainage studies or reports through its annual budget process. The County may budget funds for funding on-going drainage improvement operations, or for one-time capital projects related to drainage improvements. The County may adopt a capital improvements plan to support project funding. County funding shall be appropriated only to those projects which primarily benefit a neighborhood or region, not individual private properties.

The Pender County Board of Commissioners also have authority under General Statute Charter 153A, Article 6 to create drainage tax districts within Pender County. In doing so, the Board of Commissioners have authority to tax properties within those districts to fund drainage and flooding improvements within those districts.

In all cases of funding through Pender County, the Board of Commissioners shall have the sole authority to determine which projects are funded and at what funding level. Pender County may also adopt resolutions authorizing applications for grant funding for drainage projects that may be offered by private, state or federal agencies.

c. State and Federal Resources

US Army Corps of Engineers-Permitting for waterway work and possible federal funding for dredging.

USDA Wildlife Services-Source for beaver removal program county wide. Presently funded by the County.

NC Division of Water Resources- Source for State grant funding for snag and drag and waterways clearing projects.

NC State Cooperative Extension Office- Provides aquatic weed elimination programs.

Soil and Water Conservation Office-Provides oversight for farmland drainage concerns and problems.

**Sec. 6. Limitations of Policy**

This policy does not imply or guarantee that properties within the unincorporated areas of Pender County shall always be free from flooding or flood damage, or surface water stagnation. The policy does not imply that all projects undertaken to control drainage or flooding will be completely successful. It is hereby acknowledged that drainage and flooding management requires collaboration and coordination on the part of many responsible parties, and that it is an on-going endeavor. Nothing in this policy shall create additional duties on the part of Pender County or hold Pender County liable for any damages incurred from drainage, flooding problems or other detrimental conditions, or from adverse water quality due to this policy.

**Sec. 7. Implementation**

This policy shall be managed under the guidance of the County Manager's Office.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2009.

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Jimmy T. Tate, Chairman

ATTEST:

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Rick Benton, County Manager

**Pender County**  
**Drainage Management Policy Action Plan**  
**FY 09/10**

**Goal**

To protect and promote the public health, safety and general welfare of the County; to safeguard the County's natural environment and manmade resources; to maintain and enhance the quality of life in the County, and to ensure effective management of the County's natural resources.

**Objectives and Strategies**

Identify and document drainage and flooding issues in Pender County

- a. Provide adequate funding in the FY 09/10 budget for costs related to drainage management planning, engineering, design and permitting, and grant matches
- b. Continue to survey and evaluate drainage issues/projects for inclusion in the Drainage Capital Improvement Plan adopted in 2008
- c. Establish and publish a central County contact in the Public Works Department for the public for communicating drainage and flooding complaints and concerns
- d. Develop a consistent method for documenting, assessing and responding to citizens drainage and flooding complaints through the Public Works department

Prevent the creation of new drainage and flooding issues in the County

- a. Include mandatory storm water management standards and permitting in the new Unified Development Ordinance being currently developed by the Planning Department, including provisions for maintenance responsibility for storm water features in new or existing developments
- b. On an on-going basis collaborate with Cooperative Extension, Forestry, and other local land management groups and property owners to identify existing or potential drainage and flooding issues not yet documented
- c. Involve agency partners and property owners in collaborative mitigation planning where potential drainage and flooding issues are documented

Educate the citizenry as to the importance of effective drainage management practices

- a. Develop and sponsor four public educational workshops in the County during FY 09/10
- b. Develop a quality public brochure outlining the County's drainage management policy and plan
- c. Develop at least two media stories in FY 09/10 highlighting drainage management success stories in Pender County

Develop partnerships with property owners to foster collaboration in addressing and remedying drainage and flooding issues in the County

- a. Maintain a database of contact information for interested or impacted property owners, such as those who attend the educational workshops

- b. Provide communications through e-mail, regular mail or other means throughout the year to those property owners regarding funding opportunities, new drainage management mitigation opportunities, success stories, and so forth
- c. Assist private property owners in identifying drainage and flooding problems and solutions, including securing financial assistance for engineering work, mitigation measures, and so forth

Foster partnerships and collaboration with local, state and federal agencies in managing and developing solutions to drainage and flooding issues in Pender County and the region

- a. Hold at least one annual stakeholders meeting in FY 09/10 with agency representatives to review and update drainage needs and priorities in Pender County
- b. Facilitate collaboration and coordination between government agencies and property owners for proactively addressing drainage and flooding
- c. Evaluate on-going opportunities and projects that support a partnership with adjoining counties for taking a regional approach to mitigation solutions

Position Pender County to justify and secure grants and other financial resources for implementing drainage and flooding solutions

- a. Update the drainage CIP annually with new or revised priority drainage projects
- b. Collaborate with state and federal agencies on an on-going basis to educate and support project funding for Pender County
- c. Establish a storm water management fee with the adoption of the Unified Development Ordinance scheduled for adoption in early 2010; to be earmarked for the County's drainage management program
- d. Appropriate additional funding in the County's annual budget to supplement storm water management fees for supporting grant matches, engineering, education, and other related drainage management program needs
- e. Require property owner financial participation (including in-kind contributions) in projects where drainage improvement requirements and benefits are property specific