

May River Watershed Action Plan Advisory Committee



STAFF REPORT

Projects and Watershed Resilience Department

MEETING DATE:	December 5, 2024
PROJECT:	Amendments to the Town of Bluffton's Southern Lowcountry Stormwater Design Manual and Post-Construction Stormwater Ordinance
PROJECT MANAGER:	Andrea Moreno, MS4 Program Manager

REQUEST: Staff requests that the May River Watershed Action Plan Advisory Committee (WAPAC) recommend approval to Town Council of Certain Amendments to various sections of the regional Southern Lowcountry Design Manual and Post-Construction Stormwater Ordinance, as presented.

BACKGROUND: The Southern Lowcountry Regional Board (SoLoCo) prioritized the need for a uniform set of stormwater standards and design guidelines to meet the goal of protecting the region's sensitive environment, residents' quality of life, and future economic development opportunities.

SoLoCo municipalities along with Center for Watershed Protection and McCormick Taylor received local stakeholder input from the project's outset and garnered feedback from the professional design community during statewide, regional, and national presentations. The resulting [Southern Lowcountry Stormwater Design Manual](#), adopted by Bluffton Town Council in September of 2021, is unique in that it accomplished the following:

- Regional collaboration for consistent, effective management of stormwater at the watershed scale.
- The Southern Lowcountry Stormwater Design Manual unified past diversity of municipality requirements due to Municipal Separate Storm Sewer System (MS4) permits, need, and community dynamics:
 - Allows for "Special Watershed Protection Area" designations and requirements
 - Establishes post-construction criteria for volume control (quantity and quality) and design standards
 - Provides enforcement for current design through life of the development
- The Southern Lowcountry Stormwater Design Manual is a watershed-based approach, not by jurisdiction
 - Incorporates green infrastructure/low impact development
 - Protects existing natural areas and incorporates open space in new development
 - Provides water quality and quantity credit for thirteen (13) Best Management Practices (BMPs)

Included within the Town of Bluffton's and WAPAC's FY2025-2026 Strategic Plan is a Priority Item that requires the completion of an assessment of the stormwater regulations within the Southern Lowcountry Stormwater Design Manual to ensure its intended outcomes are being met and modifications made to the regulations if necessary.

In April of 2024, Town Council unanimously voted to adopt [Unified Development Ordinance \(UDO\) Amendments to the Stormwater regulations](#), outlined in Chapter 5.10 of the UDO. These UDO Amendments changed the stormwater applicability criteria unit of measure from impervious surface to land disturbance to align with Beaufort County standards and created a distinction between Development and Redevelopment with regard to area of land disturbance. These UDO Amendments were made in anticipation of changes to the Stormwater Design Manual.

Staff are proposing the following amendments to the Manual to align with UDO language and Beaufort County stormwater standards.

- Provide clarifications on implementation of stormwater practices
 - Includes refining design standards to ensure the intent of the manual agrees with field application. Examples include:
 - Amends 10% Analysis language to prioritize protection of the overall watershed, even if that results in lessened on-site detention requirements
 - Amends design specifications for bioretention areas (rain gardens) to remove seasonal high-water table as a limiting factor so that these practices can be utilized more frequently
- Enhance enforcement capabilities for post-construction maintenance of pre-MS4 communities
 - Expands the Town's current post-construction program to inspect and enforce maintenance of stormwater practices in communities built after 1992 via the 1991 Sediment and Reduction Act
- Promote the use of Better Site Design principles through credits towards meeting stormwater retention volume requirements
 - Provides conservation area credits to incentivize preservation of natural land cover and/or revegetation to pre-development state
 - These areas would then be protected by a conservation easement or equivalent form of protection
 - The conservation area acreage is then subtracted from the total site when calculating the required stormwater retention volume, resulting in fewer or smaller stormwater practices
- Establish mechanism for stormwater retention volume Fee-in-Lieu
 - When a development project cannot accommodate the required stormwater retention volume due to approved on-site constraints, the developer could opt to pay a fee-in-lieu for the shortfall
 - Funds collected through fee-in-lieu payments would then be used by the Town to install green infrastructure practices in the same watershed
- Multiple housekeeping edits that do not change regulatory requirements

PROJECT TIMELINE:

- 4/1/2024 – 5/31/2024 – Proposed Amendments available online for Public Comment
- 6/3/2024 – 8/2/2024 – Staff and Consultant review of Public Comments
- 6/28/2024 – SoLoCo technical subcommittee and Consultant team technical meeting
- 8/12/2024 – 9/13/2024 – Proposed Amendments available online for Public Comment
- 9/16/2024 – Staff and Consultant review of Public Comments
- 9/17/2024 – Final documents provided to all partners
- 10/8/2024 – Town Council Workshop
- 11/20/2024 – Planning Commission Meeting
- 12/5/2024 – *May River Watershed Action Plan Advisory Committee recommendation to Town Council*

NEXT STEPS:

- 2/11/2025 – Town Council Adoption by Resolution
- 3/1/2025 – Implementation of proposed Certain Amendments to regional Southern Lowcountry Stormwater Design Manual and Post-Construction Ordinance

ATTACHMENTS:

1. WAPAC Presentation
2. [Certain Amendments to Southern Lowcountry Stormwater Design Manual](#)
3. Certain Amendments to Southern Lowcountry Post-Construction Stormwater Ordinance