

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Honorable Chairman  
Members of the Board  
of County Commissioners

DATE: 9/27/05 FILE: CAO 06-2804

THRU: Robert D. Sumner  
County Attorney

SUBJECT: Amendment to Ordinance Regulating  
Drainage Basins of Special Concern  
Designating Timber Oaks as a  
Drainage Basin of Special Concern  
BOCC Mtg: 11/08/05; 6:30 p.m.;  
New Port Richey – Final Public Hearing

FROM: Joseph D. Richards  
Assistant County Attorney

REFERENCES: All Comm. Districts

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It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners.

DESCRIPTION AND CONDITIONS:

This is the final public hearing for a proposed amendment to the Ordinance Regulating and Establishing Design Criteria for Drainage Basins of Special Concern, Designating Timber Oaks As A Drainage Basin of Special Concern. On July 12, 2005, the Board adopted the Ordinance Regulating Drainage Basins of Special Concern and covering the Tank Lake and East Zephyrhills Basins specifically. At the first public hearing on the ordinance the Board also directed staff to study the Timber Oaks basin.

Metcalf & Eddy, the County's consultant, has concluded their study regarding the Timber Oaks basin. Metcalf & Eddy with the concurrence of Engineering Services has concluded that Timber Oaks should be designated as a closed basin of special concern. See the attached August 31, 2005 memorandum from Metcalf & Eddy regarding Timber Oaks. On September 27, 2005, the Board decided to proceed with designating Timber Oaks as a basin of special concern and move to public hearings to amend the ordinance to include the basin and to apply pending ordinance doctrine and use of the date of introduction, September 27, 2005, in lieu of the date of designation when applying Section 605.6.F. of the Ordinance.

As background, in response to concerns related to various drainage basins that have experienced stormwater flooding beyond the limits of the FEMA Designated Special Flood Hazard Area (SFHA) Floodplain and resulting in conditions harmful to the health, safety and welfare of the public, the Board directed staff prepare new stormwater regulations for certain drainage basins that continue to experience flooding. Certain basins, basins of "special concern," have repeated flooding because the basins are closed or have restricted outlets. For these basins the current stormwater design standards do not provide adequate flood protection.

To assist staff in developing new regulations, the Board authorized a study by Metcalf & Eddy to examine one closed basin and one open basin. Metcalf & Eddy completed its study and the results were presented to the Board on May 10. The current regulations only require a stormwater system to attenuate the runoff from one storm, the 25 year, 24 hour storm, and the regulations only focus on the peak rate of runoff discharge. Metcalf & Eddy confirmed staff's hypothesis that runoff volume, as well as discharge rate, must be accounted for and that a range of storms must be attenuated to provide flood protection in special concern basins.

The intent of the ordinance is to implement regulations with adequate stringency that will apply to construction and development within designated basins. The ordinance will prevent new development in these basins from exacerbating the current conditions. Long term solutions to current conditions will have to be investigated through basin wide studies, some of which are currently underway through joint projects with SWFWMD, and basin wide improvements may be necessary.

The new regulations supported by Metcalf & Eddy's study require the retention of pre-development runoff volume by requiring stormwater systems to be designed for a range of storms, including to the 2 year, 10 year, 25 year and 100 year storm. The duration of the storm event is 24 hours for the open basins and 10 days for closed basins. This will likely increase the amount of land a developer will have to dedicate to stormwater retention.

The Growth Management Department has prepared a memorandum (attached) addressing the Ordinance's consistency with the adopted Comprehensive Plan. Staff recommends that the Board, acting as the Land Development Regulation Commission, adopt the Growth Management memorandum as the recommendation to the Board as to the Ordinance's consistency relationship with the adopted Comprehensive Plan.

ALTERNATIVES AND ANALYSIS:

1. Acting as the Land Development Regulation Commission, adopt the Growth Management memorandum as the recommendation to the Board as to the Ordinance's consistency with the Comprehensive Plan and adopt the attached proposed Ordinance Regulating Drainage Basins of Special Concern.
2. Do not accept the attached Ordinance Regulating Drainage Basins of Special Concern.
3. Direct staff to some other course of action.

RECOMMENDATION AND FUNDING:

The County Attorney's Office recommends that the Board of County Commissioners approve alternative number one, accept public comment, adopt the attached proposed Amendment to the Ordinance Regulating Drainage Basins of Special Concern by role call vote, authorize the Chairman's signature on same, direct Board Records to file a certified copy of the ordinance and the coding form with the Department of State within ten (10) days after enactment, retain one (1) original, and send one (1) copy the Joseph D. Richards, County Attorney, New Port Richey along with a copy of the letter from the Department of State showing receipt of the Ordinance.

The impact on the cost of new housing will be \$1,000.00 per unit.

No funding is necessary for this action.

JDR:ls

Attachment: August 31, 2005 Memorandum from Metcalf & Eddy regarding Timber Oaks  
Staff Consistency Report  
Proposed Drainage Basins of Special Concern Ordinance  
Coding Form

cc: Bipin Parikh, P.E. Assistant County Administrator (Development Services) (w/attachments)  
James C. Widman, P.E., Engineering Services Department Head (w/attachments)  
Cindy Jolly, P.E., Development Director (w/attachments)  
Michele Baker, Program Administrator for Engineering Services (w/attachments)  
Daniel Rothwell, P.E., Division Engineer (w/attachments)  
Michael Garrett, P.E., Stormwater (w/attachments)  
George Romagnoli, AICP, Community Development Manager (w/attachments)