



## **Village of Pinehurst Storm Drainage Policy and Procedures**

### **Introduction**

The ongoing policy of the Village of Pinehurst is to endorse sound management practices and encourage responsible development. The Village of Pinehurst may provide maintenance for storm drainage structures within its legal street right-of-ways to the extent necessary to protect the integrity and safety of the adjacent street. The Village of Pinehurst acknowledges the fact that all stormwater control structures are subject to their own operating parameters. In general, a properly functioning system transmits stormwater downstream in a reasonable time, in a safe manner, and with no permanent property damage; all with respect to the nature of the storm event. The Village of Pinehurst further acknowledges that yard flooding is a necessary part of storm drainage events. The Village of Pinehurst generally seeks to improve drainage only when there is a demonstrable benefit to Public property as determined by the Village Engineer.

### **Implementation of Policy**

#### **A) New Development – (Subdivision, Office Parks, Site Plans)**

1. All new developments within the Village of Pinehurst's jurisdiction (ETJ and/or corporate limits) shall provide adequate storm drainage facilities in accordance with the Village's Subdivision, Zoning, and Engineering Standards in effect at the time the project is approved for construction.

#### **B) Small Projects (project cost estimated at \$10,000 or less), Existing Residential Developments**

1. The Village of Pinehurst will take action to mitigate the effects of inadequate or malfunctioning storm drainage systems within its right-of-ways reasonably necessary to ensure the continued safety and integrity of the adjacent roadway. All improvements shall prevent erosion and property damage to the degree that the Village Engineer deems appropriate to the conditions. All improvements shall meet the standards set forth in the Village's Engineering Standards Manual. For drainage system matters that also involve private property, the Village may elect to participate in improvements that meet the criteria of the Cost Share Policy, with the Village's share not to exceed 50%. The amount and type of assistance to be provided shall be determined jointly by the Village Manager, Assistant Village Manager-Operations, and the Village Engineer. This assistance may be provided to help residential constituents mitigate drainage issues as the Village Engineer determines feasible and as allowed within the funding provided by the Village Council. All easements required for the project shall be dedicated by the

petitioning property owners at no cost to the Village, and shall meet the easement standards set forth in the Village's Engineering Standards Manual. All such easement dedications shall be made prior to the Village initiating any type of work or assistance.

2. This policy shall apply to existing residential developed and occupied properties only. No commercial, industrial, or residential developments/lots under construction shall be eligible for this assistance. Landscaping such as yard cut/fill grading, French drain installation, ornamental plant material restoration and other minor flow improvements or final site restoration are not included as constituting eligible activities under this policy.
3. All storm drainage construction on private property shall be on a low priority and shall be done on a scheduled basis so as not to interfere with other Village projects and then only as budgeted funds of the Village are available.
4. The Village reserves the right to refuse to participate in any project that is determined to be excessive in cost or of limited benefit to the Village as a storm water improvement measure. Any decision by Village staff to refuse participation in an otherwise "eligible" project may be appealed in writing for re-consideration by the Village Manager.
5. No action or lack of action of the Village pursuant to the policy established by this resolution whether in the past, present, or future shall impose upon the Village of Pinehurst, its agents, officers, or employees any responsibility or liability of any kind relating to any person or property. The petitioners shall agree to covenant to and to hold the Village harmless from any, death, personal injury, or property damage resulting from construction of the project. No such action by the Village shall be considered or construed as accepting responsibility for maintenance of any stream, drain, or any ditch as a part of the Village's drainage system.
6. The conditions and easements set forth in this resolution shall be binding upon the heirs, successors, assigns, and grantees of the petitioners.
7. This policy and procedure does not apply to driveway pipe installations nor the maintenance of existing ditches.

**C) General Provisions and Conditions of Assistance to Existing Systems/Areas (Major Improvements-project costs estimated at \$10,000 or greater, multiple properties)**

1. The Village *may* participate with property owners in the installation of *major* storm drainage improvements crossing private residential property in other new subdivisions within the Village's corporate limits under the following conditions. Such projects shall be developed and funded via the Village's 5 year Capital Improvements Plan (CIP), adopted annually by the Village Council and all easements required shall be dedicated from the petitioning owners at no cost to the Village prior to programming of any major project.

**Procedure for Determination**

Upon a citizen's request for the Village to participate in a drainage project, the Engineering Department will perform a site inspection. Following this inspection, the department will identify the nature of the problem, preliminary solution options, properties involved, and policy applicability. If the policy is applicable, the owner requesting the improvement will be notified in writing of recommended best

management practice options, their associated costs, and information regarding any neighboring properties that may be involved in project participation. Also enclosed will be the Private Property Agreement Forms to serve as the contract for the proposed improvements.

**Policy Appeals Process**

Any determinations by the Village Engineer of Village staff may be appealed to the Village Manager for additional review, if the request is found to be outside the provisions of the policy or the scope of work is deemed unreasonable. All such appeals shall be submitted in writing within 30 days following the date of the Village Engineer's determination.

***This policy was unanimously approved by Village Council at a Special Work Session on October 28, 2004.***