

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, October 8, 2001

TITLE: REPORT AND REQUEST-TO-SET A PUBLIC HEARING: Northern Transition Area Stream Buffers

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ NO <u>X</u> _
ATTACHMENTS: A. Resolution B. Section 15-269 – Stream Buffers in Northern Transition Area C. Map showing NTA stream buffers D. Draft ordinance E. Letter from NCWMP Staff Re: Carrboro Streams	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

The Board of Aldermen has requested a text amendment to make the Northern Transition Area buffers applicable regardless of a property's inclusion within the Town limits. A draft ordinance amending the NTA buffer provisions has been prepared. The Administration recommends that the Board of Aldermen set a hearing date of November 19 to receive public comment on the draft ordinance.

INFORMATION

Members of the public have expressed concerns to the Board of Aldermen about the affect of annexation on the Northern Transition Area stream buffers specified in Section 15-269 of the Land Use Ordinance. The ordinance provisions are attached (*Attachment B*) and summarized below.

Northern Transition Area. Prior to 1999, stream buffer requirements were uniform for all portions of the Town's jurisdiction outside of the University Lake watershed. The Facilitated Small Area Plan for Carrboro's Northern Study Area affirmed these buffers as well, designating them among the area's Primary Conservation Areas. In the course of developing implementing regulations, the Ordinance Drafting Committee proposed more stringent buffers for the Northern Study Area. Modeled on the University Lake watershed buffers, the buffers are as follows.

Type of waterway	Flowing Into	Buffer width (Feet) from Centerline or Edge of Floodplain on Both Sides
Bolin Creek and Tributaries	Bolin Creek (if applicable)	100 + (4 x slope x 100)
Intermittent Streams	Bolin Creek	60
Minor Intermittent Streams shown on the NTA Stream Buffer Map	(Waterways noted above)	30

Uses that may be permitted in these buffers include crossings for streets, bikeways, sidewalks, and water or sewer lines or pump stations. Sewer lines may be allowed within the buffers in some instances. The buffers were proposed to implement the provisions of the NSA Plan associated with protection of Bolin Creek and thus would be applicable to all of the NSA, including those already-developed portions located in the Town limits. In reviewing the initial maps prepared to illustrate these buffers, it was evident that these buffers would create a large number of nonconforming situations for lots that were already developed or those in subdivisions that were still under construction. A map showing the buffers has been prepared (*Attachment C*).

Table. Comparison of Carrboro Buffers to Those in Other Places

Jurisdiction	Perennial	Intermittent	Other	Comment
Carrboro NTA	100 + 4 x slope x 100	60	30	Measured from centerline or edge of floodplain, as applicable
Chapel Hill	100	75		New LUO provisions propose 150 buffers and associated use limitations.
Neuse and Tar-Pamlico	50	50		Zoned Buffer. Zone 1 (30 feet) allows no activity. Zone 2 (20 feet) allows limited uses.
Durham	50	50		
Cary	100	100	50	Applies to all other streams shown on Soil Survey.
Orange County	50	50		Watershed buffers are greater in width.
Greensboro	50			Two-Zone approach, but no dimension given for Zone Two.
Hendersonville	50	-		Two- Zone buffer, like Neuse and Tar-Pam above

Draft Land Use Ordinance

Per a request from the Board of Aldermen, a draft text amendment to expand the applicability of these provisions has been prepared (*Attachment D*). This draft ordinance will make the NTA buffers applicable in the following locations:

- 1) All properties that were within the Transition Areas and were neither annexed nor had received development approval as of September 1, 2002.

Need for Further Study

The draft ordinance described above has been prepared to address a particular concern regarding the applicability of the NTA buffers. The Board of Aldermen has also requested an evaluation of all stream buffer requirements and this evaluation is needed. Carrboro's regulations are extensive and exemplary in many ways, and the Town has also been actively involved in policy-making and data collection to prevent flooding and other storm-related damage, and to protect water quality. These efforts have not been without success, as is noted in a recent letter from staff of the North Carolina Wetlands Restoration Program who visited Carrboro recently in search of potential wetlands restoration sites (*Attachment E*). Yet, the administration of three sets of buffers, in addition to floodplain provisions, is cumbersome and in need of clarification. Staff has begun this effort and a report is expected to be ready for presentation to the Board of Aldermen in January 2003.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution (*Attachment A*) that sets a hearing for the receipt of public comments on November 19, 2002.

