

BOARD OF ALDERMEN

ITEM NO.: D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: APRIL 7, 2009

TITLE: Update on Jordan Lake Rules

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ __ No <u>X</u>
ATTACHMENTS: A. Resolution B. Jordan Lake Timeline and Summary of Impacts C. Senate and House Bills, Session 2009 D. Chatham County Resolution and Letter E. City of Durham Resolution F. OWASA Assembly of Governments Item	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Randy Dodd – 918-7326

PURPOSE

The purpose of this agenda item is to provide an update on the status of rulemaking for Jordan Lake subsequent to the last update provided by staff in May 2008 (available at http://www.townofcarrboro.org/BoA/Agendas/2008/05_20_2008_D4A.pdf). A draft resolution that expresses concerns about certain aspects of the draft rules has been prepared for the Board's consideration

INFORMATION

The Board of Aldermen has received reports from Town, Triangle J Council of Governments, and other staff on the draft rules and rulemaking process on several occasions in recent years. The Town submitted comments to the Environmental Management Commission (EMC) in July 2007 during the public comment period on the draft rules. Following the comment period, members of the EMC served as hearing officers and deliberated over the comments submitted. Revised rules were adopted in May 2008 by the EMC. As required by law, the rules were subsequently reviewed by the North Carolina Rules Review Committee (RRC). The RRC reviewed, made technical changes to, and approved the rules over five meetings, ending in November 2008. During this process, the RRC received a sufficient number of letters of objection to warrant review by the General Assembly. The rules were referred for review during the 2009 session, beginning in January. If no action is taken by the General Assembly by June, the rules will become effective in the summer of 2009.

A timeline on key events related to Jordan Lake and a summary describing the major elements of the rules and impacts on local governments that was prepared by Chapel Hill Stormwater Engineer, Sue Burke, is included as Attachment B.

Two bills have recently been introduced in the General Assembly (*Attachment C*). Some local governments within the Jordan lake basin have prepared resolutions commenting on the rules (*Attachments D and E*). The Board was most recently briefed on this matter at the Assembly of

Government meeting on March 25, 2009. The briefing included details of the content and history of the rules, comments offered on the draft rules to the Environmental Management Commission in 2007, and the status of recent local government deliberations. The agenda materials from that meeting may be found at <http://townhall.townofchapelhill.org/agendas/2009/03/26/>. Details of the proposed rules and supporting documents are available at <http://h2o.enr.state.nc.us/nps/JordanNutrientStrategy.htm>.

The draft rules include 13 separate sections. Of these, the rules for stormwater management for existing development (.0266) are believed by Town staff to present the largest challenge to the Town. A draft resolution for the Board's consideration that offers comments to the Town's legislative delegation on the proposed rules is provided as Attachment A.

FISCAL AND STAFF IMPACT

No significant fiscal or staff impacts are expected in association with adoption of a resolution. It is anticipated that substantial fiscal and staff impact over the next 10 years and perhaps beyond could be needed to meet the requirements of the rules as they are currently drafted, particularly as they pertain to retrofitting existing development.

RECOMMENDATION

The staff recommends that the Board of Aldermen consider the attached resolution communicating comments on the draft Jordan Rules (*Attachment A*).