

BOARD OF ALDERMEN

ITEM NO. C(5)

AGENDA ITEM ABSTRACT MEETING DATE: December 8, 2009

TITLE: Request to Set a Public Hearing on an Ordinance Amending the Carrboro Land Use Ordinance Provisions Dealing with Stream Buffers in Accordance with Jordan Buffer Rule 15A NCAC 02B .0267

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO X _
ATTACHMENTS: A. Resolution B. Draft Ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Michael Brough – 929-3905

PURPOSE

A draft ordinance amending the Land Use Ordinance to revise stream buffer and associated provisions in relation to the Jordan Water Supply Nutrient Strategy has been prepared. A resolution that sets the public hearing on the draft ordinance and refers the ordinance for Orange County and advisory board review is recommended for the Board's adoption.

INFORMATION

Earlier this year, the Board of Aldermen adopted revised water quality buffer requirements. These provisions had been prepared over several years, taking into consideration clarification of the purpose of the buffers, a comprehensive classification of existing streams in different hydro-jurisdictional areas, a desire to ensure "state of the art" protection of water quality, and responding to the draft rules for Jordan Lake. Division of Water Quality staff completed a preliminary review of the ordinance for compliance with the draft rules. A few changes that would be needed in order for the rules to comply with applicable water supply watershed regulations and the pending Jordan Lake requirements were identified. As the rules were still undergoing some review, staff elected to hold off on the revisions until the status of the rules and associated revisions became clear.

A Model Buffer Ordinance was released in early October. Local governments subject to the rules must comply with Jordan buffer provisions by early March, 2010. A draft ordinance that amends Carrboro's buffer provisions has been prepared. This draft ordinance includes the following changes:

- 1) Specifies the Jordan watershed in the Purpose section of Article XVI.
- 2) Revises the table of exempt and allowable activities related to stream relocation, stream restoration, and streambank stabilization activities.
- 3) Clarifies that, in relation to the streams subject to the Jordan rules, written authorization is needed from the Division of Water Quality for any uses that are noted as 'allowable' or 'allowable with mitigation.'
- 4) Clarifies that local mitigation program required to comply with Army Corps of Engineer standards.

It is necessary for the Board of Aldermen to hold a public hearing on a draft ordinance prior to taking any action. It is also necessary for the draft ordinance to be referred to Orange County and the Planning Board for review. Staff is recommending that the Board of Aldermen also refer the draft ordinance to the Environmental Advisory Board, and has “selected” this board on the resolution (*Attachment A*).

FISCAL IMPACT

Public hearings incur costs associated with advertising, advisory board, and staff review.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the resolution (*Attachment A*) setting a public hearing for January 26, 2010 and referring the draft ordinance for advisory board review.