

A RESOLUTION CALLING A PUBLIC HEARING ON AN ORDINANCE
AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS DEALING
WITH STREAM BUFFERS IN RELATION TO THE JORDAN WATERSHED RULES
Resolution No. 73/2009-10

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on January 26, 2010 to consider adopting "AN ORDINANCE REVISING ARTICLE XVI OF THE CARRBORO LAND USE ORDINANCE DEALING WITH WATER QUALITY BUFFERS IN RELATION TO THE JORDAN WATERSHED RULE."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☐ Appearance Commission

☐ Recreation and Parks Commission

☐ Transportation Advisory Board

☐ Northern Transition Area Advisory Committee

☒ Environmental Advisory Board

☐ _____

☐ Economic Sustainability Commission

☐ _____

AN ORDINANCE REVISING ARTICLE XVI OF THE CARRBORO LAND USE
ORDINANCE DEALING WITH WATER QUALITY BUFFERS IN RELATION TO
THE JORDAN WATERSHED RULE

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All references in this ordinance are to Chapter 15 of the Carrboro Town Code, the Carrboro Land Use Ordinance.

Section 2. Section 15-270 is amended by revising subsection (b) to read as follows:

(b) The purpose of this part is to protect, preserve, and enhance water quality buffers, including those located in the Jordan Lake watershed, in order to maintain their pollutant removal and stream protection functions and protect the quality of surface waters and water supplies.

Section 3. Section 15-270.2 Required Buffers is amended by the addition of the term "Geographic Information Coordinating Council" in subsection (b) so that subsection reads as follows:

(b) Buffers shall be established adjacent to all surface waters designated as such on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture, the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS), or a map approved by the Geographic Information Coordinating Council and the N.C. Environmental Management Commission.

Section 4. Subsection 15-270.5 (d) is amended by substituting the term "restoration" for "relocation" and "stabilization" so that two of the activity descriptions in the Section of table (d) entitled **Drainage, Storm water, Erosion Control, and other Water-based activities** read as follows:

Stream ~~relocation~~ restoration

The alteration of a location of the channel, including daylighting, of a stream so long as the newly created buffer area provides equal or better runoff treatment capabilities than the buffer in its original location, subject to State and Federal requirements.

Stream bank ~~stabilization~~ restoration using other practices, including armoring stream banks with rip-rap or retaining walls.

Section 5. Section 15-270.5 Exempt and Allowable Activities is amended by the addition of a new subsection (h) that reads as follows:

- (h) Notwithstanding the foregoing, approval for new developments shall only be permitted if impacts to riparian buffers are avoided or where
1. the activity has been determined to be “exempt” from requirements of this Chapter, or
 2. the Division of Water Quality has provided an Authorization Certificate for uses that are listed as “allowable” or
 3. the Division of Water Quality has provided written approval of a mitigation plan for uses listed “allowable with mitigation” or
 4. a variance has been issued per Section 15-92 of this chapter.

Section 5. Subsection 15-270.7 (e) is revised to read as follows:

(e) PAYMENT TO THE WATER QUALITY ENHANCEMENT FUND. Persons who choose to satisfy their mitigation determination by paying a compensatory mitigation fee to the Water Quality Enhancement Fund, so long as the Town’s local mitigation program complies with mitigation banking requirements of the US Army Corps of Engineers as currently set out at <http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html> or from the US Army Corps of Engineers, P.O. Box 1890, Wilmington, NC, 28402-1890, and the applicable trading criteria in Rule 15A NCAC 02B .0273 (or as amended), as allowed here shall use the following procedure:

Section 6. This ordinance shall become effective upon approval of the NC Environmental Management Commission, following adoption by the Board of Aldermen.