

BOARD OF ALDERMEN

ITEM NO. B(1)

AGENDA ITEM ABSTRACT

MEETING DATE: October 26, 2010

TITLE: Continuation of 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 <u>X</u> NO <u> </u>
ATTACHMENTS: A. Resolution B. Draft ordinance C. DWQ letter of approval D. Staff memo E. Planning Board recommendation	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 to comply with the adopted rules for Jordan Lake. A resolution finding consistency and draft ordinance are provided for the Board's adoption.

INFORMATION

See agenda materials at http://www.townofcarrboro.org/BoA/Agendas/2010/01_26_2010.htm (Item 3).

The draft ordinance was submitted to DWQ in December 2009. On June 18, 2010, DWQ staff provided some feedback and indicated that changes to the draft ordinance would be needed. Carrboro staff worked with DWQ to modify the ordinance in time for review by the Water Quality Committee of the Environmental Management Commission (EMC) in September. The revised draft ordinance, subject to one change related to the definition of ephemeral stream, was approved by the EMC's Water Quality Committee on September 8, 2010 (*Attachment C*). The town is expected to enact the ordinance provisions within two months of state approval. A staff memo that summarizes the changes made to comply with the rule has been prepared (*Attachment D*). As was noted in the agenda abstract in January, the Planning Board held off on its recommendation until the draft ordinance was complete/approved by DWQ. The Planning Board and EAB received and update on the draft ordinance on October 7 and a Planning Board recommendation is attached (*Attachment E*).

FISCAL AND STAFF IMPACT

Three of the changes required for compliance with the Jordan Rule complicate the Town's process for implementing water quality/Jordan riparian buffer requirements and are expected to result in an increase in staff time for some projects. These changes are the DWQ administration of regulations for projects involving the State of North Carolina, the United States, multiple jurisdictions or other local governments, the referral of disputes over stream determinations to the Director of the DWQ, and the appeal of decisions regarding determinations of no practical alternatives to the Director of DWQ.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the resolution finding consistency and the draft ordinance related to the Jordan Lake rule (*Attachments A-1 and B*).