

# BOARD OF ALDERMEN

ITEM NO. D(5)

## AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, April 17, 2012

**TITLE: Amendment to Miscellaneous Fees and Charges Schedule to Establish Mitigation Fee for Water Quality Buffer Impacts and Direct Fees to Water Quality Enhancement Fund**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> A. Resolution B. LUO Section 15-269.7	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – 918-7327

### PURPOSE

Section 15-269.7 of the Carrboro Land Use Ordinance allows payment of a mitigation fee for certain activities in Water Quality Buffers. A resolution that revises the Miscellaneous Fees and Charges Schedule to establish this fee been prepared by staff and is recommended for the board's adoption.

### INFORMATION

Section 15-269.7 sets out the mitigation requirements for water quality buffer protection in relation to either a use shown in Section 15- 269.5(d) as "allowable with mitigation" or a use for which a variance has been granted pursuant to Section 15-92. These mitigation options were established in conjunction with establishing water quality buffer regulations consistent with the Jordan Lake Rules. The options include making payments made to a Town Water Quality Enhancement Fund, though this is available only to streams outside of the jurisdiction of the Jordan Lake rules. A per square foot mitigation fee is to be established annually in the Miscellaneous Fees and Charges Schedule.

The fee proposed is based on that used for payments to the North Carolina Ecosystem Enhancement Program, which is responsible for stream buffer mitigation associated with the Jordan Lake rules and other programs and activities state-wide. More information related to EEP buffer mitigation fee may be found at <http://portal.ncdenr.org/web/eeep/stream-wetland-buffer-fee-info>. Consistent with that program, mitigation fees are determined based on the area of the disturbed water quality buffer, adjusted by zone-specific multiplier (e.g. a multiplier of three is used for zone one impacts, a multiplier of one and one-half is used for zone two impacts) The proposed changes to the Town's Miscellaneous Fees and Charges Schedule are specified below:

- 1) Rename the item "Stream Determination," "Stream Determination and Water Quality Buffer Mitigation."
- 2) Add the following line under this item:  
Water Quality Buffer Mitigation Fee                      \$0.99/sq ft

Applicants for the Family Dollar project are exploring use of this mitigation option for proposed impacts to the water quality buffer on an ephemeral stream. The proposed area of disturbance totals approximately 4,714 square feet. Water quality buffers for ephemeral streams are classified as 'zone two' buffers. If the variance allowing disturbance is approved, the mitigation fee would total \$7,000.29.

#### **STAFF AND FISCAL IMPACT**

Administrative costs of calculating and receiving any fees are expected to be nominal. Mitigation fees will be based on the area of mitigation/disturbance.

#### **RECOMMENDATION**

Town staff recommends that the Board adopt the attached resolution (*Attachment A*), which amends the Miscellaneous Fees and Charges Schedule to set a water quality buffer mitigation fee as specified in Section 16-269.7(e) of the Land Use Ordinance and designates any payments as restricted revenues to be used for water quality enhancement.