

ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CLARIFY
REQUIREMENTS FOR EXEMPT AND ALLOWABLE ACTIVITIES RELATED TO
UTILITIES IN WATER QUALITY BUFFERS

DRAFT 2-26-2014

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-269.5(d) of the Carrboro Land Use Ordinance is amended to read as follows:

Section 15-269.5 Exempt and Allowable Activities

(d) Table of Exempt and Allowable Activities in Water Quality Buffers

(NOTE: ALL ENTRIES IN THIS TABLE NOT SHOWN BELOW WILL NOT BE AFFECTED BY THE PROPOSED AMENDMENT)

Activity	Exempt	Allowable	Allowable with Mitigation
Recreation			
Greenway / hiking trails ¹ designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X	
Utilities			
Electric utility, aerial, perpendicular crossings ^{2,3,4} : <ul style="list-style-type: none">• Disturb equal to or less than 100 linear feet of buffer• Disturb greater than 100 linear feet of buffer	X	X	

¹ To the extent practicable, greenway easements shall be located a minimum of 10 feet from the top of bank; surfaces shall be a minimum of 15 feet from the top of bank.

² Provided that within 30 feet of surface waters, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Administrator as defined in Section 15-269.6.

- A zone at least ~~minimum zone of~~ 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.

Activity	Exempt	Allowable	Allowable with Mitigation
Electric utility, aerial, other than perpendicular crossings ³ : <ul style="list-style-type: none"> • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters^{2,4,5}: 	X	X	X
Electric utility, underground, perpendicular crossings ^{3,4,6} : <ul style="list-style-type: none"> • Disturb less than or equal to 40 linear feet of buffer • Disturb greater than 40 linear feet of buffer 	X	X	

• Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.

• Riprap shall not be used unless it is necessary to stabilize a tower.

• No fertilizer shall be used other than a one-time application to re-establish vegetation.

• Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.

• Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.

• In wetlands, mats shall be utilized to minimize soil disturbance.

³ Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

⁴ Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Administrator completes a no practical alternative evaluation as defined in Section 15-269.6

⁵ Provided that:

• No heavy equipment shall be used within 30 feet of surface waters.

• ~~Vegetation in undisturbed portions of the buffer is not compromised.~~ • ~~Felled trees are removed by chain.~~ A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable.

• ~~Trees are~~ shall be: 1) felled so as not to damage trees not intended for removal or stream banks; and 2) removed by chain.

• No permanent felling of trees occurs in protected buffers or streams.

• Stumps shall ~~be~~ removed only by grinding.

• Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.

• At the completion of the project the disturbed area shall ~~be~~ stabilized with native vegetation.

• The condition and use of the area within 50 feet of surface waters ~~is~~ shall be consistent with Sections 15-269.3 and 15-269.4.

⁶ • A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable.

• Trees shall be felled so as not to damage trees not intended for removal or stream banks.

• Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.

Activity	Exempt	Allowable	Allowable with Mitigation
Electric utility, underground, other than perpendicular crossings ^{3,6} : • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters ⁵ :	X	X	X

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- Stump grinding is allowable only for stumps more than 30 feet from surface waters.
 - ~~Provided that, within~~ Within 30 feet of surface water, all of the following BMPs for underground utility lines shall be used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Administrator, as defined in Section 15-269.6.
 - Stumps shall remain, except in the trench where trees are cut.
 - Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
 - Trees shall be removed by chain. Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
 - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench created for the line installation,
 - Underground cables shall be installed by vibratory plow or trenching.
 - The trench shall be backfilled with the excavated soil material immediately following cable installation.
 - No fertilizer shall be used other than a one-time application to re-establish vegetation.
 - In wetlands, mats shall be utilized to minimize soil disturbance.
 - At the completion of the project the disturbed area shall be stabilized with native vegetation.
 - The condition and use of the area within 50 feet of surface waters shall be consistent with Sections 15-269.3 and 15-269.4

Activity	Exempt	Allowable	Allowable with Mitigation
Non-electric utility, perpendicular crossings ^{3,4,5,6,7} : <ul style="list-style-type: none"> • Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 150 linear feet of buffer 	X	X X	X X
Non-electric utility, other than perpendicular crossings ^{3, 6,5} : <ul style="list-style-type: none"> • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters^{5,8} 	X	X	X

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

⁷ All sewer crossings shall be protected from damage and risk of future leakage to the maximum extent practicable using ductile iron and other appropriate construction materials and practices.

⁸ The width of the corridor that is maintained to exclude woody vegetation will generally not exceed 20 feet in width. Wider widths are allowable to accommodate needs such as vehicle turnaround, preparedness for emergency situations, and state and federal regulatory standards. Permanently maintained areas will generally not exceed 20 feet in width. Occasional wider widths are allowable to accommodate vehicle turnaround.