

**A RESOLUTION OPPOSING SB 434: AN ACT TO AMEND CERTAIN
ENVIRONMENTAL AND NATURAL RESOURCES LAWS**

WHEREAS, the North Carolina General Assembly, Environmental Management Commission and Department of Environment Quality have adopted and are implementing many beneficial regulations over many years that respect local government authority, and

WHEREAS, the Town of Carrboro and its citizens have been leaders over the years in protecting the environment in water quality, land use regulation, stream buffer protection, open space preservation, and stormwater management, and

WHEREAS, The Town has administered Land Use Ordinance provisions for regulating riparian buffers since 1983; and

WHEREAS, in 2015, the NC General Assembly passed Session Law 2015-246 limiting local authority to implement buffer provisions that are more restrictive than State provisions, and in 2016 Carrboro engaged in an extensive review process including preparing a report documenting the scientific evidence supporting the buffer provisions in the Land Use Ordinance. In doing so, the Town obtained State approval to continue to enforce local buffer provisions, and

WHEREAS, the North Carolina General Assembly is actively reviewing a bill, SB 434, that is based on the premise that "...[a] local government should apply riparian buffer standards that do not exceed established State or federal standards in order to assure uniformity of regulation throughout the State", and

WHEREAS, this premise is contrary to many decades of environmental policy in North Carolina, and

WHEREAS, the bill applies to a broad spectrum of "local government actions, including, but not limited to, zoning, subdivision control, flood control, or water supply watershed protection ordinances, comprehensive plan, policy, resolution, condition of approval imposed on an applicant for approval of a development plan, or special or conditional permit, or other measure", and

WHEREAS, according to NC League of Municipalities staff, SB 434 could potentially cause stormwater permit holders, including Carrboro, to violate regulatory requirements, and

WHEREAS, additionally, the bill adds flood control to the list of reasons a local government can't have a larger buffer, harming a community's ability to protect property from flooding; and,

WHEREAS, there may be other unknown and undesirable consequences of the provisions in SB 434.

NOW THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen oppose SB 434 for the aforementioned reasons.

BE IT FURTHER RESOLVED that a copy of this resolution is provided to the legislative delegation.

The resolution is effective upon adoption.

This 11th day of April, 2017.