



Legislation Text

File #: 13-0514, **Version:** 1

TITLE:

Request-to-set a public hearing on Land Use Ordinance Amendments to Clarify Requirements for Exempt and Allowable Activities Related to Utilities in Water Quality Buffers

PURPOSE: The purpose of this item is to set a public hearing date to receive public comment for a proposed amendment to the Land Use Ordinance clarifying requirements for exempt and allowable activities for disturbance associated with utilities in water quality buffers. A draft ordinance has been prepared for the Board's consideration. The Board of Aldermen must receive public comment before taking action on changes to the Land Use Ordinance; a resolution setting a hearing date for February 25, 2014 and requesting advisory board review has also been prepared.

DEPARTMENT: Planning

CONTACT INFORMATION: Randy Dodd (919) 918-7326; Christina Moon (919) 918-7325

INFORMATION: Comprehensive revisions to the Town's stream buffer provisions were adopted in 2009. Included in the revisions was Section 15-269.5 defining exempt and allowable activities. This section is largely composed of a detailed table of activities, including activities associated with utilities (both electric and non-electric). Staff have been reviewing and implementing this section of the ordinance subsequent to these revisions, and have identified some modifications to the table of activities that can clarify these requirements for staff and regulated parties regarding the details of installation and maintenance of utilities in buffers. The proposed changes are intended to continue to allow these activities in buffers, while providing additional protection related to utility infrastructure planning, design, installation, and maintenance activities. Town staff are reviewing the draft requirements in particular with OWASA staff and with the North Carolina Department of Environment and Natural Resources, in addition to the mandatory notification and referral to advisory boards and to Orange County.

FISCAL & STAFF IMPACT: Public hearings involve staff and public hearing notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution setting a public hearing for February 25, 2014 and referring the proposed amendments to Orange County, the Planning Board and the Environmental Advisory Board.