



Legislation Details (With Text)

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Title:	Continuation of Consideration of 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 for the Board of Aldermen to continue the discussion from the February 25th public hearing regarding possible amendments to the Land Use Ordinance to clarify exempt and allowable activities for disturbance associated with utilities in water quality buffers.		
Indexes:			
Code sections:			
Attachments:	1. Attachment A-1 - Consistency Resolution for Ordinance Adoption, 2. Attachment A-2 - Consistency Resolution for Ordinance Denial, 3. Attachment B - Revised LUOAmendmentBuffers022614_w ordinance template, 4. Attachment C - Recommendations, 5. Attachment D - OWASA Comments & Responses		

Date	Ver.	Action By	Action	Result
3/4/2014	1	Board of Aldermen	approved	Pass

TITLE:

Continuation of Consideration of 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 for the Board of Aldermen to continue the discussion from the February 25th public hearing regarding possible amendments to the Land Use Ordinance to clarify exempt and allowable activities for disturbance associated with utilities in water quality buffers.

DEPARTMENT: Planning

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

INFORMATION: At the February 25th public hearing, the Board considered amendments to Section 15-269.5(d) of the Land Use Ordinance, the Table of Exempt and Allowable Activities in Water Quality Buffers. The proposed modifications focus on the footnotes and were designed to provide additional clarity for staff and for regulated parties regarding the details of installation and maintenance of utilities in the 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.

The draft ordinance was referred to Orange County, Town advisory boards, OWASA and the North Carolina Department of Environment and Natural Resources (DENR); comments were provided in the agenda materials. Todd Taylor, the General Manager of Operation for OWASA, requested a change from the proposed language to reword the language in footnote 8 regarding the width of permanently maintained (cleared) areas within OWASA easements as described below:

- Permanently maintained areas will generally not exceed 20 feet in width. Occasional wider widths are allowable to accommodate vehicle turnaround. (language in the draft ordinance dated 2-14-2014)
- Permanently maintained areas will not exceed the width of the easement. Narrower widths are encouraged.(alternative language proposed by OWASA)

To be clear, this provision only applies to those situations where an OWASA easement runs parallel to a stream; it is intended to limit the cleared portion of the easement within Zone 1, the first 30 feet of the water quality buffer. The Board also identified a need to consider alternative wording for footnote 2 for aerial electric utility perpendicular crossings and the width of vegetation adjacent to the waterbody.

The Board directed staff to bring back a revised draft ordinance with alternative language in footnote 8 that would specify the conditions when cleared areas greater than 20 feet in width would be allowed, based on OWASA's input. The proposed language in the revised ordinance dated 2-26-2014 reads, "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." The Board also instructed staff to develop similar language for footnote 2. The revised bullet under footnote 2 reads, "A zone at least 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. A revised ordinance is provided (*Attachment B*).

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 resolution finding consistency, and the draft ordinance provided in the attachments.