

. Purpose

- Overview of Jordan buffer rules and review process
- Update on NCDWQ review to date
- Future phases: NCDWQ reviews when application submitted

Jordan buffer rules

- Adopted in 2009
- Carrboro local ordinance approved by EMC 9/2010
 - Carrboro can't self regulate for municipal projects
 - Does not apply to State/Federal entities/land
- Good informational link at <http://h2o.enr.state.nc.us/ncwetlands/documents/Greenways-Hiking.pdf>

Greenways in (State) buffer rules

- **D. Zones of the Riparian Buffer**
- The protected riparian buffer shall have two zones as follows:
- 1. **Zone One** shall consist of a vegetated area that is **undisturbed except for uses provided for in the Table of Uses**, Section 8.(B) of this Ordinance. The location of Zone One shall be as follows:
 - a. For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of **30 feet** on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.
- 2. **Zone Two** shall consist of a stable, **vegetated area that is undisturbed except for uses provided for in the Table of Uses**, Section 8.(B) of this Ordinance. **Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised.**
- Zone Two shall begin at the outer edge of Zone One and extend landward **20 feet** as measured horizontally on a line perpendicular to the surface water. **The combined width of Zones One and Two shall be 50 feet on all sides of the surface water.**

Jordan Buffer Rules Table of Uses

	Exempt	Allowable	Allowable with Mitigation
Greenway / hiking trails 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	

Jordan Buffer Rules: Definition of Allowable Uses

- “ALLOWABLE. Uses designated as allowable may proceed provided that there are **no practical alternatives** to the requested use pursuant to Item (11) of this Rule.....”

DETERMINATION OF "NO PRACTICAL ALTERNATIVES."

- (a) Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination
- The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":
- (i) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
- (ii) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
- (iii) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality;

Greenway Development Process

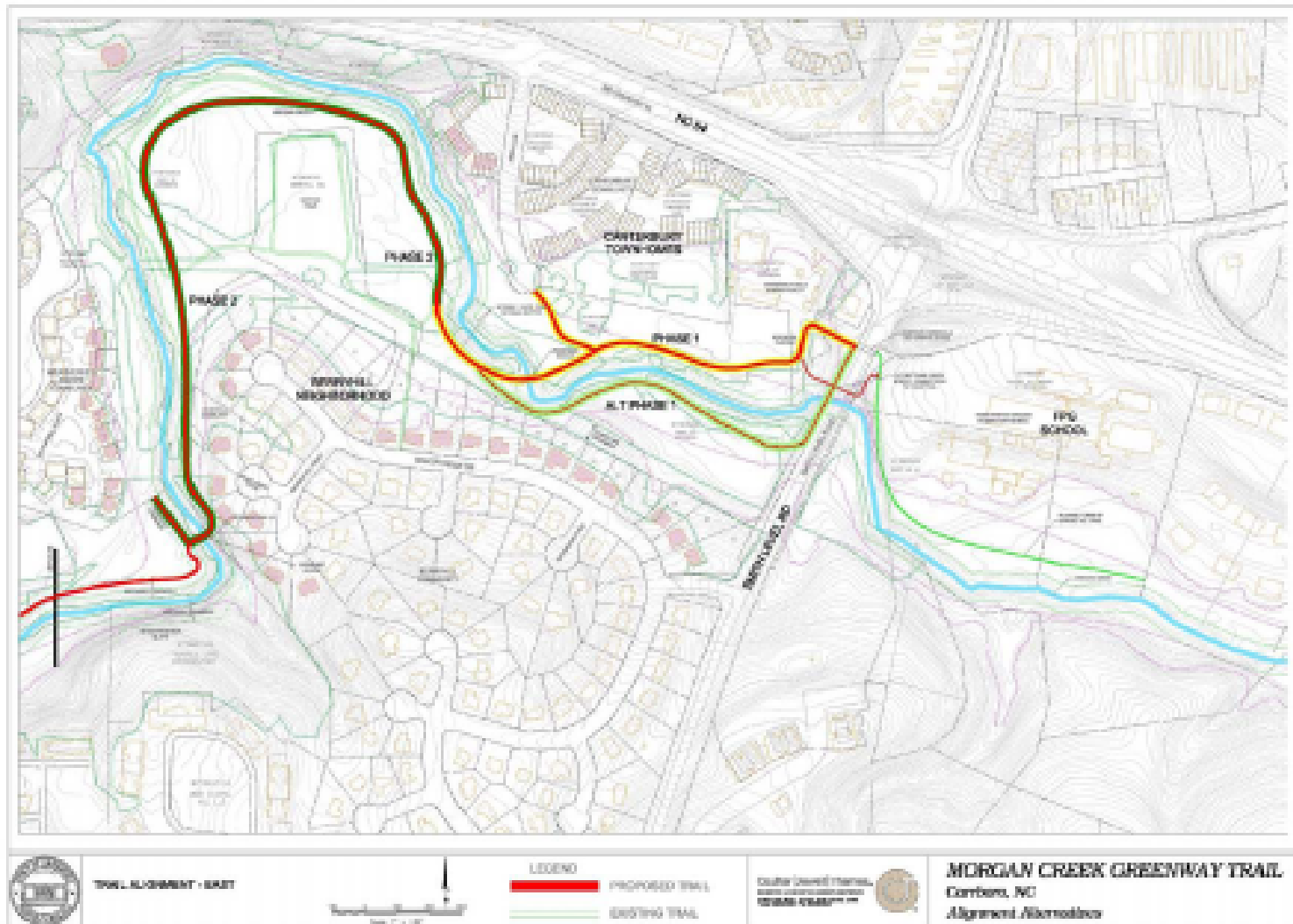
- Concept plan
- Permitting/engineering
- Construction
- O&M

Staff/DWQ interactions to date

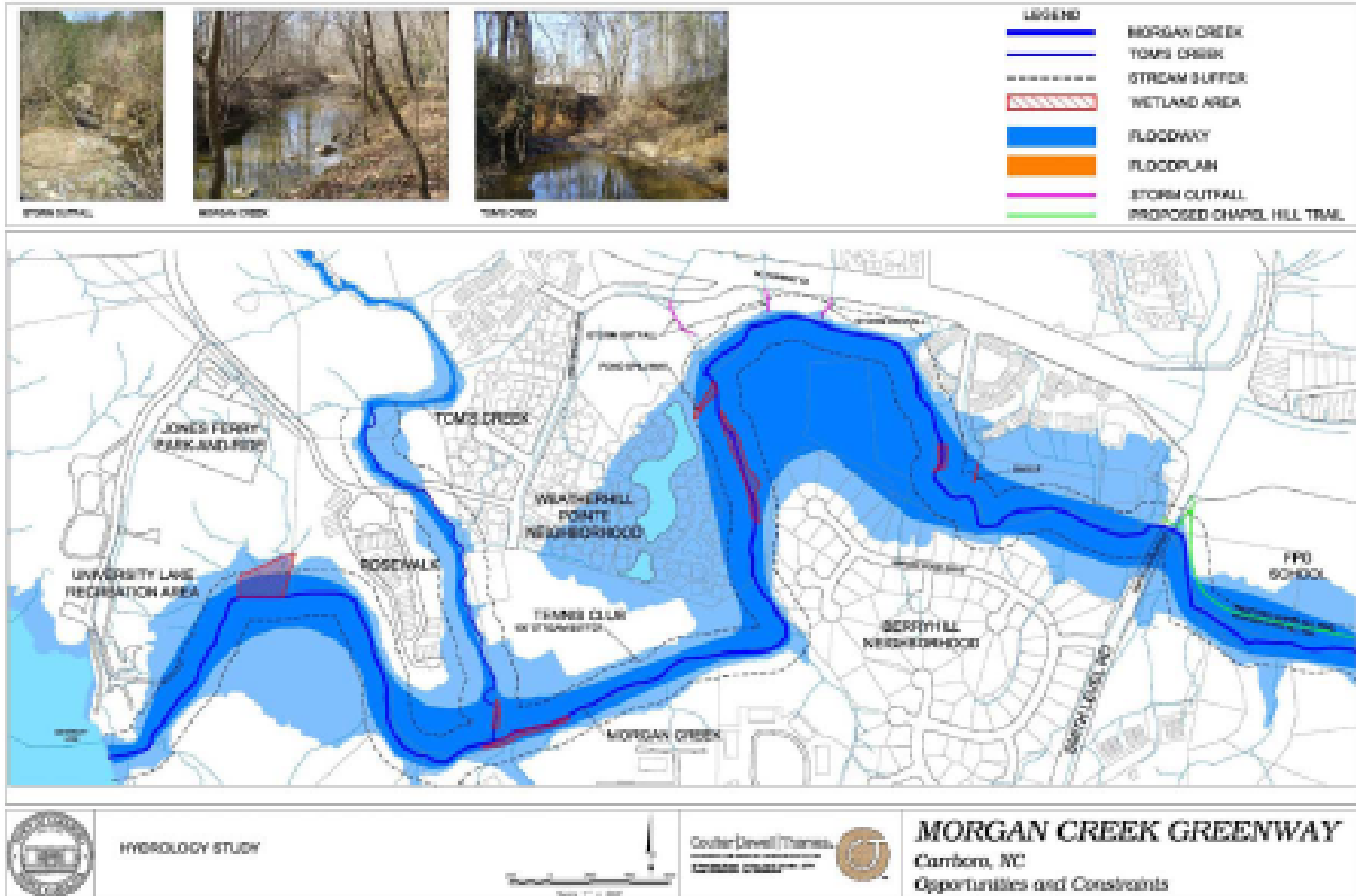
- Walked Bolin (Estes to Homestead) in fall 2009
 - courtesy--no official review
- Met with citizens/DWQ Sept. 13, 2010
- Met with DWQ (Oct. 6, 2010)
 - Follow up to 9/2010 meeting
 - Bolin Phase 1a site visit
 - Morgan site visit

Board approved greenway sections

- Bolin Phase 1a: DWQ staff will write letter
 - not subject to Jordan buffer rules (no State regulated buffer along headwater stream)
- Morgan (Smith Level Road-Berryhill)
 - Premature for DWQ formal review
 - Alignment through forest require 50' setback from streambank, or "significant justification" that alternative alignment is not feasible



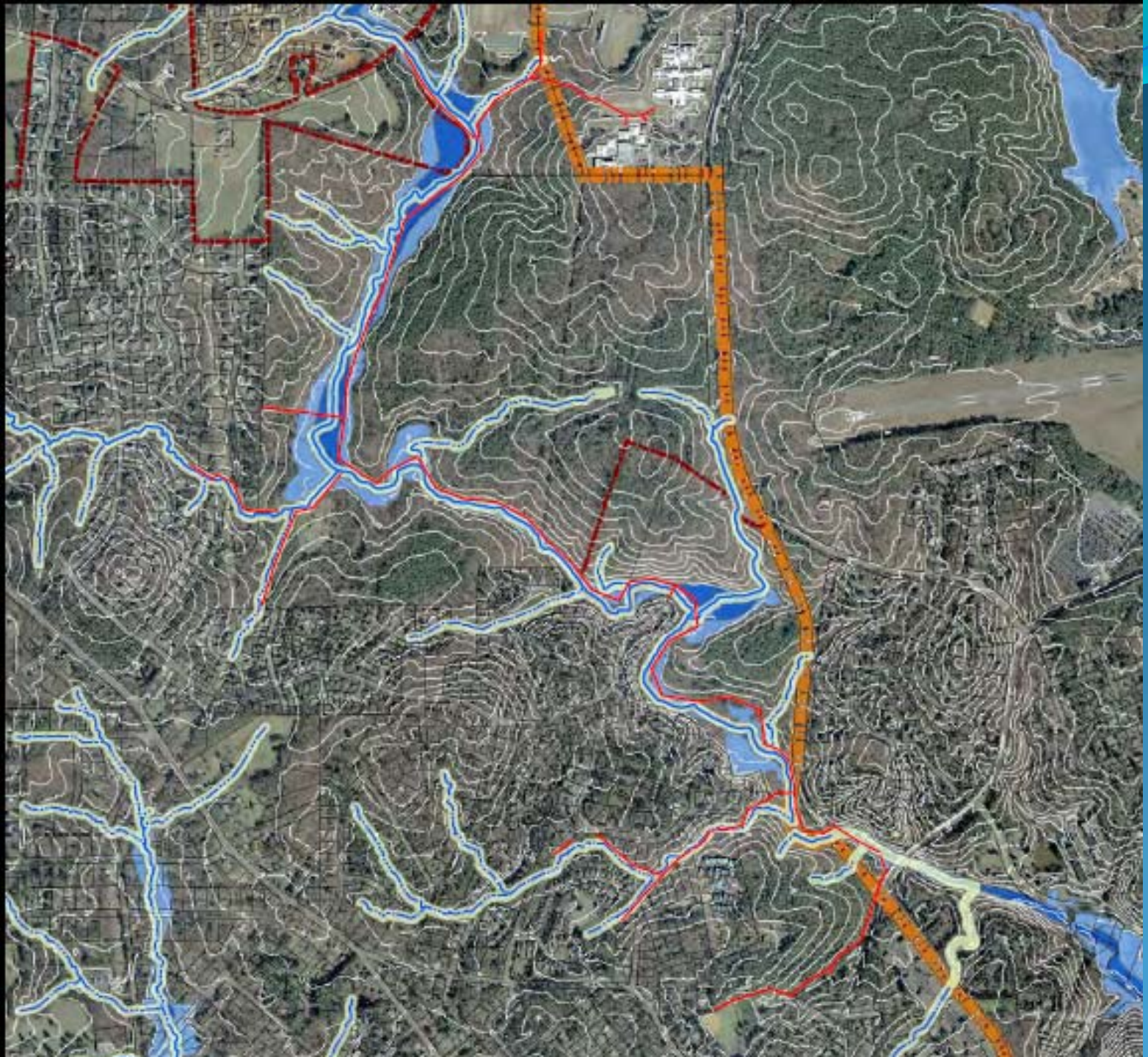
Map 13 - Recommended Trail Alignment - Main Trail, East

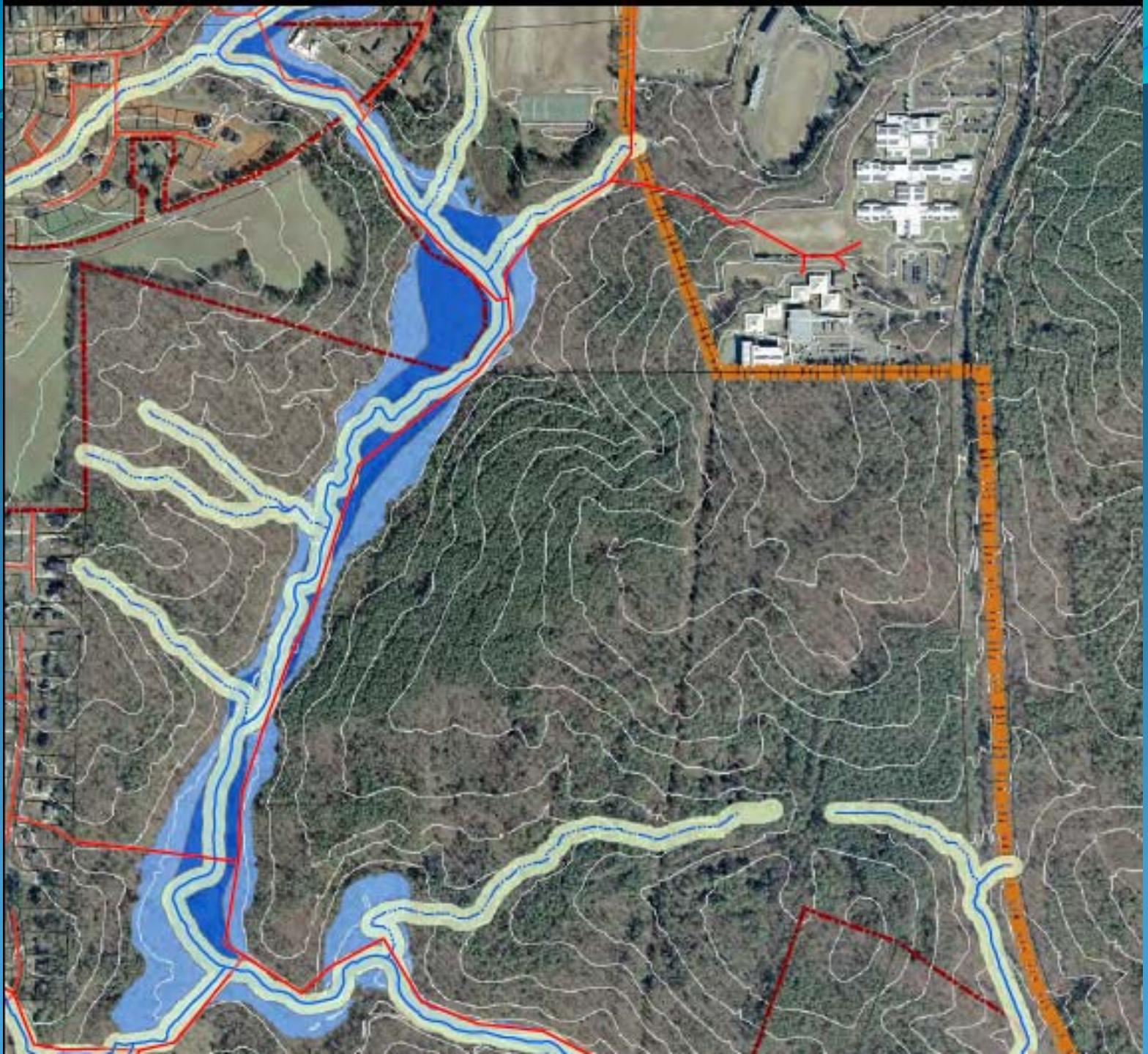


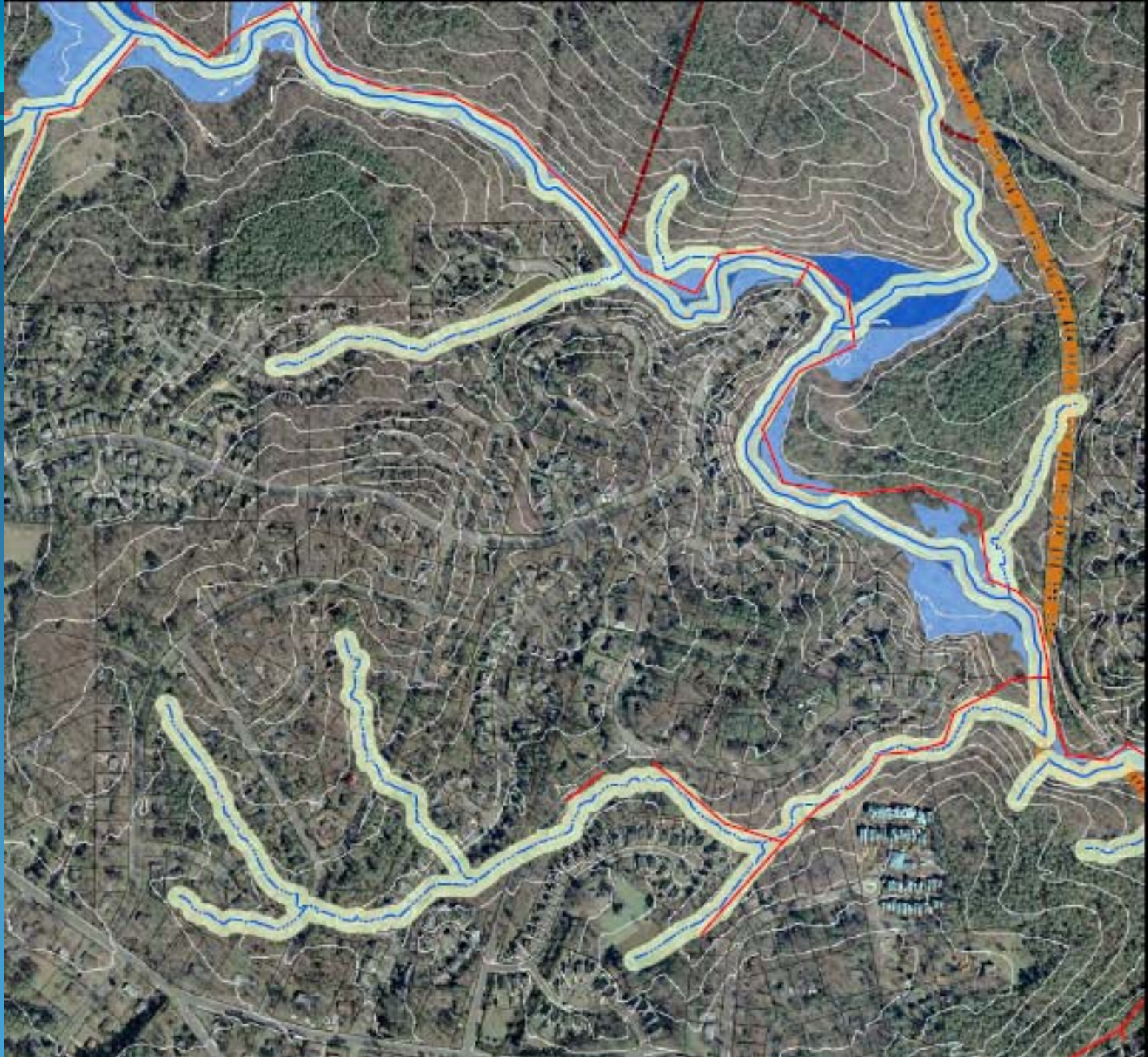
Map 6 – Hydrology Study – Main Trail Corridor

Important points

- Greenways that avoid and minimize water quality impacts are allowable in buffer
- "No practical alternative" demonstration very site specific determination by DWQ when sufficient design/engineering information available
- Floodplain also presents regulatory constraint







Citizen/staff/DWQ meeting

- “Because there are alternatives, it is unlikely that the State will allow pavement to run within the existing sewer easement....The Greenways Commission needs to come to terms with the scope of a project that will not be allowed in the easement.” (Save Bolin Creek presentation to Greenways Commission, September, 2010)

Staff Response

- *Town staff does not have an understanding from meetings with DWQ staff that it is likely that they would categorically prohibit a greenway along the sewer corridor between Estes Dr. and Homestead Rd.*
- *DWQ staff have emphasized that they are not in a position to steer a submittal towards an “approvable” alternative. They will review a submittal and work with an applicant to avoid and minimize impacts in the buffer based on the site and application details.*
- *The appropriate time for formal DWQ review is upon receipt of a buffer authorization application. Staff have not submitted this application for any planned greenway projects, and intend to do so during the permitting/engineering step for respective phases. To date, DWQ has provided preliminary informal courtesy review through a site visit and a meeting with staff.*
- *UNC will be responsible for buffer authorization application to DWQ for any greenway authorization in State regulated buffers on UNC managed property.*

50 Feet

30 Feet

**Stream
Bank**

