



Town of Southern Shores

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2007-10-01

RESOLUTION OPPOSING DIVISION OF WATER QUALITY PROPOSED AMENDMENTS TO TITLE 15A NCAC 02H.1005, THE COASTAL STORMWATER RULES

WHEREAS, The Division of Water Quality is proposing amendments to the Coastal Stormwater Rules for 17 additional coastal counties similar to the Phase II rules that were approved by the NC State Legislature in session law 2006-246 for Brunswick, New Hanover and Onslow counties. Vested property rights for properties that were already platted were grandfathered when those three counties were required to comply with the stricter Phase II regulations. No such consideration has been included in the proposed amendments; AND

WHEREAS, The greatest potential effect of the adoption of these rules would be on development and redevelopment activities proposed within ½ mile of SA waters, (Currituck, Roanoke & Pamlico Sound) requiring a "50' vegetative buffer" from the mean high water line (no developmental activities of any type would be allowed within that 50' buffer), representing a distance increase of more than 66% from the current less restrictive 30' setback, representing an unfair and uncompensated taking; AND

WHEREAS, The elimination of wetlands from impervious surface calculations will limit the usefulness of a parcel of land and is an unfair and uncompensated taking especially when the property owner is still required to pay taxes on the wetlands portion of the property; AND

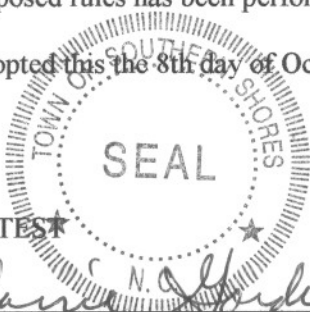
WHEREAS, A 10,000 square foot lot disturbance threshold for initiating stormwater permitting is too low and will greatly increase the number of permit applications while placing an undue burden on many single family homes and other small projects due to substantially increased engineering costs; AND

WHEREAS, The threshold rules as proposed for low density developments within ½ mile of SA waters which currently allow stormwater runoff to be handled by vegetative conveyances and swales would be reduced from the current 25% built upon area to 12% built upon area, a reduction of approximately 50% and would require engineered stormwater control and treatment on site for any built upon area over 12%; AND

WHEREAS, Approximately 80% of the land in Dare County is either State or Federally owned property and a "one size fits all" approach to stormwater management is impractical.

NOW, THEREFORE, BE IT RESOLVED that the Southern Shores Town Council strongly opposes the proposed changes to 15A NCAC 02H.1005, the Coastal Stormwater Rules as they represent an unjustified taking of private property, could substantially increase the cost of homes in all coastal communities, the rules as proposed do not address previously platted lots and vested rights and no cost benefit analysis in regards to these proposed rules has been performed and therefore the proposed amendments should not be implemented.

Adopted this the 8th day of October 2007.



ATTEST


Carrie Gordin, Town Clerk


Dan Shields, Mayor Pro Tem