Roger Waldon (106)

From: Chris Berndt
Sent: Thursday, September 20, 2001 3:53 PM
To: Roger Waldon
Subject: Development Ordinance Comment on Watershed District

Roger,

I understand you are accepting staff comments on the second draft of the Development Ordinance. I offer the following comments on the Section 3.6.4 Watershed Protection District and Water Quality Districts.

-It appears in the new draft that the intent is to add Water Quality Districts (the old Article 9 of the Development Ordinance). However, although reference is made to the Water Quality District in the preamble, the provisions of that district do not appear to be added to the text of the section. The location of the district also appears to be not specified. When the Council approved Article 10 in the early 90's, we had proposed to delete Article 9; however, the Council at that time explicitly decided to retain Article 9 after public comment on the issue.

-The current Article 10 of the Development Ordinance (Watershed Protection District) was approved by the State of North Carolina as meeting State law. Therefore, I am wondering if it is possible to merge some other set of regulations into it, without seeking reapproval by the State of North Carolina.

-Also, the consultant has carried forward most, but not all of the currently approved text in the current article 10. The same question applies to this draft: would not we need to be making sure any revisions meet State law, and then seeking reapproval from the State? One area I noted specifically was language relating to vested rights. Possibly this has been moved to another section of the Ordinance?? My recollection is the current article 10 language very specifically tracked State regulatory requirements.

-If we are updating this set of regulations, there may be other changes in State law which are desirable/required to include as well.

As the primary drafter of both of these sections historically speaking, I am ready to offer help on these questions should you desire it.

Chris Berndt