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TO: Roger Waldon
FROM: Milton Heath
DATE: May 16, 2002

Thanks for the generous time you gave me on the development ordinance. Here are my follow-up thoughts, including my understanding of some things you told me about various issues—please correct any of my misunderstandings.

(1) *Local environmental impact ordinance.* I plan to put together a more concrete proposal after I have consulted with the Clearinghouse, Orange County, and Ray Burby, when he returns from summer travel in August or September. Ray and I both think that this is a valuable educational tool, and I believe that Kevin shares this view. At the public hearing I plan to ask the Council to calendar this issue for consideration in the fall. I appreciate your misgivings, and I realize that issues such as scope and possible redundancy need attention. I want to do some thinking and get some further input especially on whether environmental assessments would be or should be required for any substantial effects of a proposal on the quality of the human environment, or a more selective set of targets.

(2) *The Tree Ordinance.* I gather that proposals have been made to extend the application of the tree ordinance to single family lots and duplexes, to reduce the diameter of protected specimen trees from 24” to 18”, and to address the issue of groves or stands of trees. These are the kinds of things that I had in mind by way of “tightening” the tree ordinance. I will also review the proposed ordinance on the issue of discretion to waive any of its provisions.

(3) *Review by Historic District Commission of reconfiguration of lots in the district.* I will ask Bob Epting to spell out this proposal.

(4) *Revision of the Subdivision Control Provisions.* I will be watching for your message on the building permit requirement. I will also review my files for other possible revisions, including the elimination of grandfathering.

(5) *Resource Conservation District.* (a) I will pass along to the Council Seth Reice's recommendation that 100'-150' is the minimum distance necessary for water quality protection, depending on such factors as slope and soil porosity, unless Seth can make it to the June 3 hearing; (b) I will review my files for other possible revisions, including the elimination of grandfathering, and extending coverage to some intermittent streams.

(6) *Stronger Watershed Protection, Flooding, and Stormwater.* I will encourage the council to explore the State's Watershed Assessment and Restoration Program for possible implications for Chapel Hill; to persuade FEMA to move quickly on flood plain mapping; to improve the definition of perennial streams; to protect the remaining undisturbed stream buffers until long-term planning can be improved; to coordinate with the Morgan Creek and Bolin Creek associations; and to explore opportunities for joining planning with Carrboro and Orange County concerning watershed protection, perhaps along the lines of the rural buffer agreements.

(7) *Manager's discretion.* (a) I will suggest the clarifying change that I mentioned to you in Section 8.6. (The magic word is "from.") (b) Please let me know if you can figure out what the reference in Section 7.5 to Section 3.11.4 means. (The current draft ordinance goes from Section 3.10.7 to 4.)