

DT: 6/ 12/ 2008  
TO: CRWG George Givens  
DWQ Tom Reeder  
FR: Land Alliance  
RE: IDEAS FOR AGREEABLE RULES:



Many developers believe it would be best to leave Rules as they were until proper science is available to draw "Rules that work." The General Assembly passed SESSION LAW 2007-549 SENATE BILL 1468 to study innovative storm water management and water quality protection efforts, and we do not understand why the DWQ/ EMC is acting to impose the Coastal Rules before that study is complete. Further, we do not understand why study of Gas Oil and Grease, Failing Septic Tanks, or Wildlife pollution in buffers is not being considered, nor why the DWQ has not responded on concerns expressed last year by the Land Alliance that the rules may well result in increased failures of Septic Tanks, Mold and Mildew problems, Flood Insurance Policies and Claims and Termite Policy questions.

However, most everyone would agree to reasonable compromise, if eventually Rules Based On Science can be achieved.

It is Very important to note that this change of policy by DWQ/ EMC will shift development from traditional low density subdivisions, to higher density which will tend to squeeze affordable or lower cost one floor housing out, and shift to more higher density and higher profile, higher cost structures. For instance, new building will tend more to be 2, 3 or 4 stories, with under house parking and elevators. The economics of this development form will trend to be supported by higher income buyers, and trend to exclude lower income buyers. Whether this development form can be supported by current land costs and mortgage obligations is unclear, and it is anticipated that some land owners and financial institutions may well experience significant losses under current obligations.

Nonetheless, over the past several weeks in the 605 process, the DWQ / EMC has done a lot to clarify language and answer questions that were asked last year during the Public Hearing process regarding the Coastal Rules. ( Thank you.)

Following are further IDEAS FOR AGREEABLE RULES several folks in the Development Community ( Land Alliance) believe would be prudent and helpful.

#### CONCEPT LIST FOR AGREEABLE RULES In addition to previous understandings :

- 1) Fund study of "Innovative Storm Water Management" Require use of DNA testing.  
( Study scopeing Authorized under G.S. 113A-251 2007 Session  
( Study to be paid for by CWTF.)
  - 2) Study of need for Rules to Find and Fix failing Septic Tanks or WWT Systems.  
( Study to be paid for by CWTF. )
  - 3) Study of need for Rules for Use of Gas, Oil, Grease absorbers in existing Storm Drains. Funded by CWTF funds.  
( Study to be paid for by CWTF. )
  - 4) Implementation 1 Year after ratification, and Sunset the Law in 3 years.
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- 5) Subdivisions: The shift from 25 %/30% to 24% / 12% will impel shift from low density low rise development to higher density mid to higher rise development.( Critical to allow retention ponds as proposed by rules .)  
Although this may cause significant financial disruptions, ultimately this development form will transform coastal development by excluding development for lower income buyers.
  - 6) 2" Rain Cap: Cap the greater of 1.5" or 24 hr storm from IS at 2" Total. Or  
Treat only the excess from over 12% / 24% IS.  
( DWQ Staff says the 24Hr storm requirements are not that much more than 1.5", so the 2" cap should not be a problem. This is Critical to allow building of schools, and other government buildings. )
  - 7) Pervious D/W: Remove realistic BMP pervious Drive Ways / parking @ 100% from 10,000 SF Built up area .  
( This helps rural lot owners with long driveways. Otherwise, they will have to have major Permits. )
  - 8) 50% CAMA WL: Allow 50% of CAMA Coastal Wetlands in density Calculations.  
( CAMA and ACOE rules regulate delineation and use of wetlands or intrusion into wetlands now.  
DWQ Rules only reduces density by excluding from density calculations. )
  - 9) 30' Buffer : 30' Buffer ( not 50' new / 30' existing ) with CAMA definitions and CAMA encroachment hearing process.  
( We understand that some GA members want this change.)
  - 10) Grandfather: Need better Grandfather & Re-development Language.
  - 12) Definitions: A) "Pocket of High Density" defined as being over the "Low Density " definition for a described area .  
B) Use CAMA Rules definition of SA waters boundary for DWQ definition of SA waters boundaries.  
C) Vegetated Buffers can include Wetlands. ( Possible that Tom Reeder has suggested this may be agreeable . )  
D) Remove requirements of " all infiltration retained on site " .

This is impossible, as water must eventually flow off site some how, or all lots will become ponds.

These suggestions would:

Provide more rigorous interim rules , but not be so damaging to the fragile coastal economy ,

Set up 3 studies to determine ways to improve water quality based on valid science.

Encourage development of science based rules before the Sunset date.

Thank you for consideration of these suggestions.

Bill Price Land Alliance of North Carolina