

Please Oppose H44, Senate Local Government Regulatory Reform

H44 left the House as a one-page bill, with bipartisan sponsorship, addressing overgrown vegetation. It reaches the Senate floor carrying a slew of anti-environment and anti-local government provisions added in the Senate Agriculture, Environment, and Natural Resources Committee. The most damaging of these provisions (in section order) include:

§2 – No local requirement to comply with voluntary state standards. There are a number of situations in which the state has established voluntary programs, allowing applicants to choose between various compliance options. Currently, local governments may choose to require one or another of these within a jurisdiction, either because one option meets local conditions best (soils, rainfall, land use patterns, slopes) or because a given community wants to better protect its residents' quality of life. Section 2 would forbid this, blocking local governments' ability to serve as a laboratory for state policy or to meet special local needs.

§7 – Board of Transportation approval of bike lanes. In a real overreach, this section does not allow local governments to convert travel lanes of streets or highways to bike lanes without first obtaining a majority vote of the NC Board of Transportation. So-called 'road diets' can help improve traffic flow and expand safe bike and pedestrian options. Local businesses can also benefit from the increased bike and pedestrian traffic. While the state has a legitimate interest in traffic flow, that is already protected through the involvement of Department of Transportation staff. The Board's role is to set policy; it should not be voting on individual projects.

§13 – Exempting properties from riparian buffers. The most environmentally destructive provision in the bill, this section exempts properties platted before August 2000 in the lower Neuse and the entire Tar-Pamlico river basins from riparian buffer rules. Those rules limit clearing of natural vegetation for development within 50 feet of streams, river, and estuaries in those watersheds. The provision would effectively exempt most properties in the affected areas, allowing much larger loads of pollution to enter the Neuse and Tar-Pam rivers and estuaries.

§14 – Measuring estuarine buffers. This provision destroys buffer protections along North Carolina's estuaries, requiring that the 50 foot buffer be measured to include coastal wetlands and marshes. Since water in those marshes moves freely into the sounds, they don't actually function as effective pollution-removing buffers. Moreover, counting buffers this way will allow the clearing of adjacent upland vegetation for development, dumping more pollution into our estuaries and sounds.

§19 – Development agreements. This section changes state law governing development agreements, which allow a local jurisdiction to bind itself to a developer's long term plan, giving up the ability to adjust rules over time for yet-unbuilt phases as community standards evolve. Currently, local governments can sign a development agreement for up to 20 years; this removes that limit, allowing any 'reasonable' duration, with no definition. At best, that invites litigation; at worst, it would allow a single term of elected officials to tie up their community's future decisions in perpetuity.

Collectively, these provisions greatly undermine the ability of local elected officials to protect their communities and sustain a positive quality of life. In addition, the riparian buffer provisions destroy vital water quality protections.

For more information, please contact:

Grady McCallie, NC Conservation Network, 919-857-4699 x101, grady@ncconservationnetwork.org

Rachael Estes, NC Conservation Network, 919-857-4699 x107, rachael@ncconservationnetwork.org