



# Chatham County, NC

## Legislation Text

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**File #:** 21-3682, **Version:** 2

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Vote on a request to approve a legislative request by Moncure Holdings LLC and Moncure Holdings West LLC to amend Section 302 (E)(2)(b) of the Watershed Protection Ordinance to establish an overlay district where the 10/70 option applies in the Cape Fear WS-IV Protected Area watershed district and to amend the Watershed Protection Map to establish the boundaries of the overlay district.

### **Action Requested:**

Vote on a request to approve a legislative request by Moncure Holdings LLC and Moncure Holdings West LLC to amend Section 302 (E)(2)(b) of the Watershed Protection Ordinance to establish an overlay district where the 10/70 option applies in the Cape Fear WS-IV Protected Area watershed district and to amend the Watershed Protection Map to establish the boundaries of the overlay district.

### **Introduction & Background:**

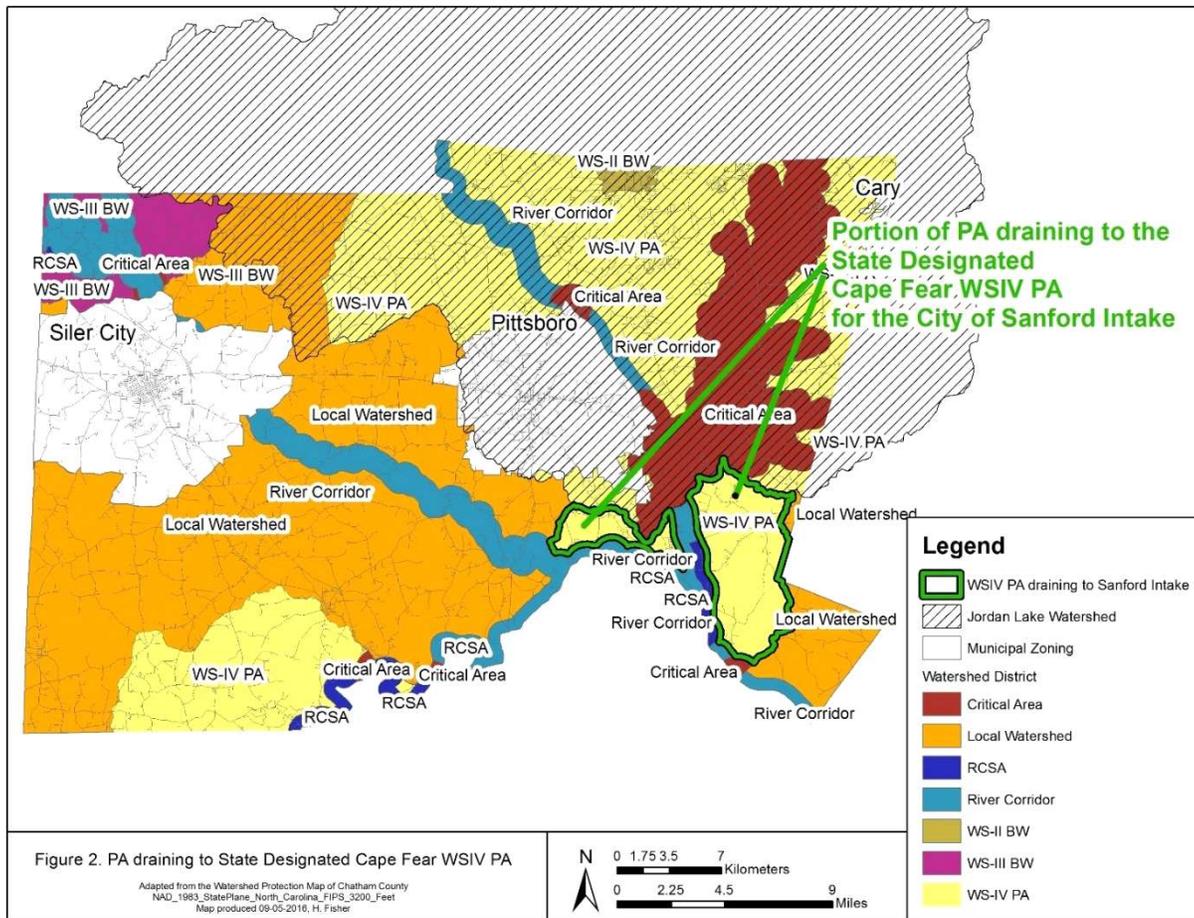
A legislative public hearing was held on this request during the February 15, 2021 Board of Commissioners meeting. Staff presented the item and Brendie Vega, Director of Planning with Withers Ravenel, responded to questions from the board. There were no comments provided by the public and staff has not received any written comments. There are two parts to the request 1) amend Section 302 (E)(2)(b) of the Watershed Protection Ordinance to establish an overlay district where the 10/70 option applies in the Cape Fear WS-IV Protected Area watershed district and, 2) amend the Watershed Protection Map to establish the boundaries of the Moncure Megasite overlay district.

### **Discussion & Analysis:**

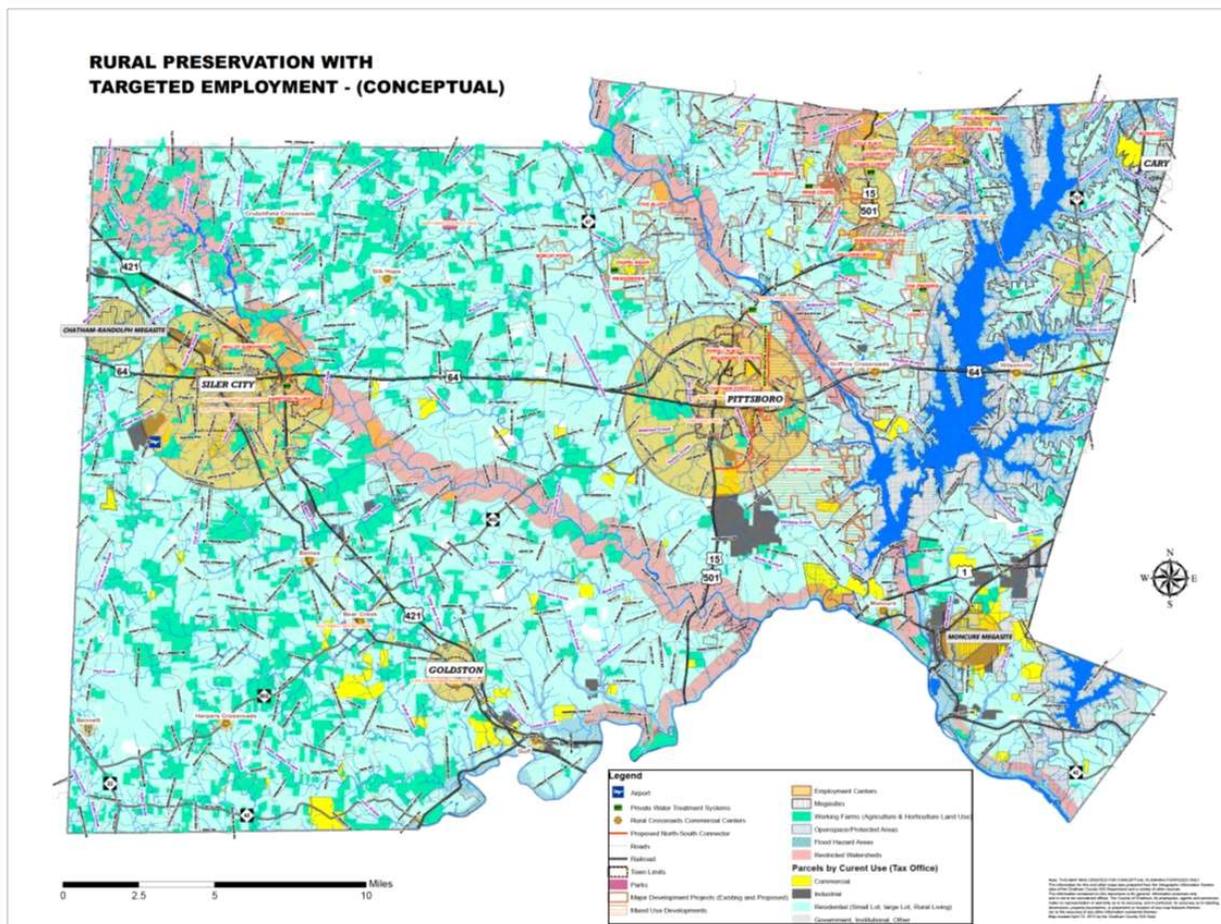
The Watershed Protection Ordinance was adopted by the Board of Commissioners in December 1993. This was a requirement by the Legislature for all local governments with surface water supply intakes along rivers and impounded water bodies. A model ordinance was provided to local governments that included two options for implementation: low density or high density. The low-density option establishes the maximum allowable density for residential uses and maximum allowable built-upon area for non-residential ranging from 12% to 36%. The low-density option also includes a provision for a "10/70 option" that will be explained in more detail. This high-density option allows 12% to 70% built-upon area for residential and non-residential uses with a requirement for stormwater controls for those projects. The Board of Commissioners chose the low-density option for the county when the watershed ordinance was adopted. The model ordinance provides that a 10/70 option may be adopted for certain watershed districts under the low-density option. The 10/70 allows for 10% of a watershed the flexibility of up to 70% built-upon area and is approved as a special non-residential intensity allocation (SNIA). The 10/70 option has been in place in several county watershed districts but did not include the WS-IV Protected Area.

In October 2016, the Commissioners adopted an amendment to the Watershed Protection Ordinance establishing a 10/70 option in the Cape Fear WS-IV Protected Area watershed district. The

application materials for the 2016 request can be accessed from the following website: [http://cms6ftp.visioninternet.com/chathamcountync/planning%20board/attachments/2016/2016\\_items.htm](http://cms6ftp.visioninternet.com/chathamcountync/planning%20board/attachments/2016/2016_items.htm). This district is located south of the watershed draining to Jordan Lake and east of the confluence of the Deep and Rocky Rivers. (see the following map for the boundaries of this watershed district).



At the time the 10/70 rule was adopted for the WS-IV PA Cape Fear watershed district the applicant requested that the area where the increased built upon area could apply would be limited to an area defined as the Moncure Megasite Employment Center as referenced in the Conceptual Plan Rural Preservation and Targeted Employment plan prepared by Economic Development Corporation and adopted by the Commissioners in July 2013 (see the following map for the employment center



boundary).

This request is to modify the area where the 10/70 option can apply in the Cape Fear WS-IV PA watershed district by establishing an overlay district on the Watershed Protection Map based on parcel boundaries. If approved, the new overlay would be included on the Watershed Map for Chatham County.

County staff concur that an overlay district approach is a better method than the existing circle on the conceptual plan. The conceptual plan is a separate map from the Watershed Map and is not based on identifiable boundary references. Staff forwarded the proposed text amendments to Paul Clark, Water Supply Watershed Protection Coordinator with the NC Department of Environmental Quality, and the revisions have been approved.

There is a rezoning process running concurrently with this text amendment application. Most of the area shown in the Moncure Megasite overlay district is zoned Heavy Industrial, but there a few parcels that are zoned residential. The applicant has submitted rezoning applications for those parcels. A public hearing on the rezoning was held on February 15, 2021 and the Planning Board

started their review on March 2, 2021.

### **Summary of Watershed Review Board Meeting on March 11, 2021:**

The Watershed Review Board met on March 11, 2021 to discuss the text amendments requested by the applicant. The board, by unanimous vote, tabled the discussion to April 8, 2021. The following was discussed:

The applicant representatives stated adherence to the required standards set forth in the Watershed Ordinance. The buffer requirements for existing lots will not change during the development of the properties if no division of land occurs. The applicants are not increasing the overall allowance for the 10/70 option but are creating an overlay district that would include additional properties not shown in the existing map.

Some WRB members expressed concern that stream buffers for typical development in Chatham County would only be triggered if a division of land is requested. Existing lots prior to 2008 revision of the Watershed Ordinance only require 50-foot buffers on mapped USGS streams, not on field verified streams (or ephemeral and wetlands), and many parcels in the Megasite may only be subject to those earlier buffer requirements. The applicant representatives stated the intention to subdivide some properties to create parcels for prospective industries once they know who the interested parties are and how much property they would need. It was confirmed once that process starts, buffers would be field verified and provided to the most stringent standards of the Watershed Protection Ordinance. The 10/70 option triggers automatic 100-foot buffers on perennial streams.

Language is included in the text amendment to reflect the provision.

The WRB also expressed concerns on whether the properties outside of the Megasite would be able to tie into the sewer system coming from Sanford. The applicants stated they do not have the authority to allocate sewer to properties outside of the development but did not know what the county had agreed to with Sanford.

A WRB member identified that there is a portion of property located in the RCSA (River Corridor Special Area) Watershed (Parcel 5814) included in the overlay. Planning director, Jason Sullivan, stated that area would only be allowed to develop up to 50% of the area and not 70% due to restrictions already in place in the ordinance. The applicant agreed to remove the 10/70 area mapped in the overlay from the RCSA.

The WRB ultimately requested more information including answers to questions that resulted from the Planning Board meeting held on March 2, 2021, consideration of buffers, and feedback from next meeting of the Planning Board.

### **Summary of Watershed Review Board Meeting on April 8, 2021:**

The Watershed Review Board met again on April 8<sup>th</sup>, 2021, and voted on a motion to recommend approval of the overlay and related 10/70 option area on the condition that riparian buffers reflected

in the newest buffer requirements of the Watershed Ordinance be applied thought the entire 10/70 Overlay area. The main discussion centered around concern for surface water protections being less protective on parcels where no subdivision of land occurs but that will be allowed to have more built-upon area than is currently allowed in Chatham County development projects. The more stringent buffers would be triggered should any land be divided but absent that process, existing lots of record would only have buffers on perennial and intermittent streams as shown on USGS maps. The intent of the motion and discussion was to convey the provisions of the newest buffer standards (known as the 2008 version) but the final wording is not as specific as staff and the county attorney believe it should be to reflect the subsequent amendment that would be needed should the BOC agree with the WRB recommendation. Staff spoke with the Chair to confirm the intent was as shown in the text amendment change drafted and included for review.

**How does this relate to the Comprehensive Plan:**

Encouraging growth in designated Employment Centers, towns, and other appropriate locations (page 55). This request is also supported by continuing to develop and promote the Chatham-Siler City Advanced Manufacturing (CAM) Site and the Moncure Megasites to ensure future job creation in the County (page 55).

**Recommendation:**

The Watershed Review Board recommendation is to approve the corrected overlay map (RCSA removed) provided by the applicant with the condition that riparian buffers per section 304, except for section C (exceptions to riparian buffer requirements), of the Watershed Protection Ordinance are also required throughout the Moncure Megasite Watershed Overlay District. The map and amendment provided reflect those changes.