



Chatham County, NC

Legislation Text

File #: 16-1890, **Version:** 1

Legislative public hearing and/or vote on request to approve Moncure Holdings LLC for a text amendment to Section 302(E)(2) of the Chatham County Watershed Protection Ordinance to provide an option for the Cape Fear WSIV Protected Area watershed district to allow 10% of the drainage to occupy up to 70% built upon area when approved as a special non-residential intensity allocation and consideration of adoption of the proposed text amendment.

Action Requested:

Legislative public hearing request by Moncure Holdings LLC for a text amendment to Section 302(E)(2) of the Chatham County Watershed Protection Ordinance to provide an option for the Cape Fear WSIV Protected Area watershed district to allow 10% of the drainage to occupy up to 70% built upon area when approved as a special non-residential intensity allocation and consideration of adoption of the proposed text amendment.

Introduction & Background:

Dennis Wicker, representing Moncure Holdings LLC, submitted an application for a text amendment to Section 302(E)(2) of the Watershed Protection Ordinance (see attachment #1). The application is to establish a 10/70 option in the Cape Fear WS-IV Protected Area watershed. Revised application materials were provided on September 27, 2016 in response to the comments from the Watershed Review Board meeting.

Discussion & Analysis:

The Watershed Protection Ordinance was adopted in December 1993 and the Commissioners chose to implement the low density option. This was included as an option in the model ordinance resulting from the enabling legislation (see attachment #2 for guidance from the model ordinance). The model ordinance provides that a 10/70 rule may be adopted for certain watershed districts under the low density option. The 10/70 rule allows for 10% of a watershed to be developed at 70% built upon area and is approved as a special non-residential intensity allocation (SNIA).

The proposed amendment would provide a 10/70 option in the Cape Fear WS-IV Protected Area watershed (see map included with the application packet for the boundaries of the Cape Fear drainage). The amendment also provides that the 70% allocation would be reserved for the "Moncure Magasite Employment Center in the PA, as referenced in the Conceptual Plan Rural Preservation and Targeted Employment, adopted July 15, 2013."

SNIA's are currently allowed in the following watershed districts - WS-III Balance of Watershed (5/70 option), River Corridor Special Area (up to 50% built upon area with no limit on the percentage of the drainage area), Local Watershed (10/70 option) (see map included as attachment #3).

The Watershed Review Board reviewed the request during their September 8, 2016 meeting. The discussion by the Board included existing and proposed wastewater treatment for the site, water

supply, and current allowable watersheds with the 10/70 rule in effect. Some concern was noted regarding the existing water quality of Shaddock Creek, which would receive the runoff from the Moncure Megasite. The Board asked questions and discussed what “substantial” in the proposed language meant. The Watershed Review Board by a vote of 5 to 1 with 1 abstention and 1 recusal recommends approval of the text amendment with the following modification - remove the word “substantial” from the proposed language. Since the Watershed Review Board has reviewed the request and made a recommendation, the Board of Commissioners can vote on the request at the conclusion of the public hearing.

Recommendation:

Hold the public hearing and consider voting on a request to amend the Watershed Protection Ordinance. The Watershed Review Board by majority vote (5 to 1 with 1 abstention and 1 recusal) recommends approving the addition of the following language to Section 302(E)(2)(b) and adoption of an Ordinance amending the Watershed Protection Ordinance of Chatham County (additional language is underlined for emphasis) -

“All other Residential and Non-Residential development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built upon area on a project by project basis. In addition, in the portion of the WSIV PA draining to the state designated Cape Fear WSIV PA, non-residential uses may occupy ten percent (10%) of the PA with a seventy percent (70%) built upon area when approved as a special non-residential intensity allocation (SNIA). The Watershed Administrator is authorized to approve SNIAs consistent with provisions of this ordinance and consistent with plans for the Moncure Megasite Employment Center in the PA, as referenced in the Conceptual Plan Rural Preservation and Targeted Employment, adopted July 15, 2013. Projects must be located within the designated Moncure Megasite Employment Center. Projects must minimize built-upon surface area, direct stormwater away from surface waters, and incorporate Best Management Practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed. No residential or non-residential lot shall be less than 40,000 square feet, except within an approved cluster development (#6), compact community, or conservation subdivision. (#12)”