



## Watershed Protection Board Agenda Notes

**Date: March 11, 2021**

**Agenda Item:**

**Attachment #: See Below**

- Subdivision**     
  **Conditional Use Permit**     
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	A legislative public hearing for a 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 rule applies in the Cape Fear WS-IV Protected Area watershed district and amend the Watershed Protection Map to establish the boundaries of the overlay district.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	The application materials and supplementary documents are available on the following website - <a href="https://www.chathamcountync.gov/government/departments-programs/planning/rezonings-subdivision-cases/2021-items/moncure-megasite-watershed-ordinance-text-amendment">https://www.chathamcountync.gov/government/departments-programs/planning/rezonings-subdivision-cases/2021-items/moncure-megasite-watershed-ordinance-text-amendment</a>

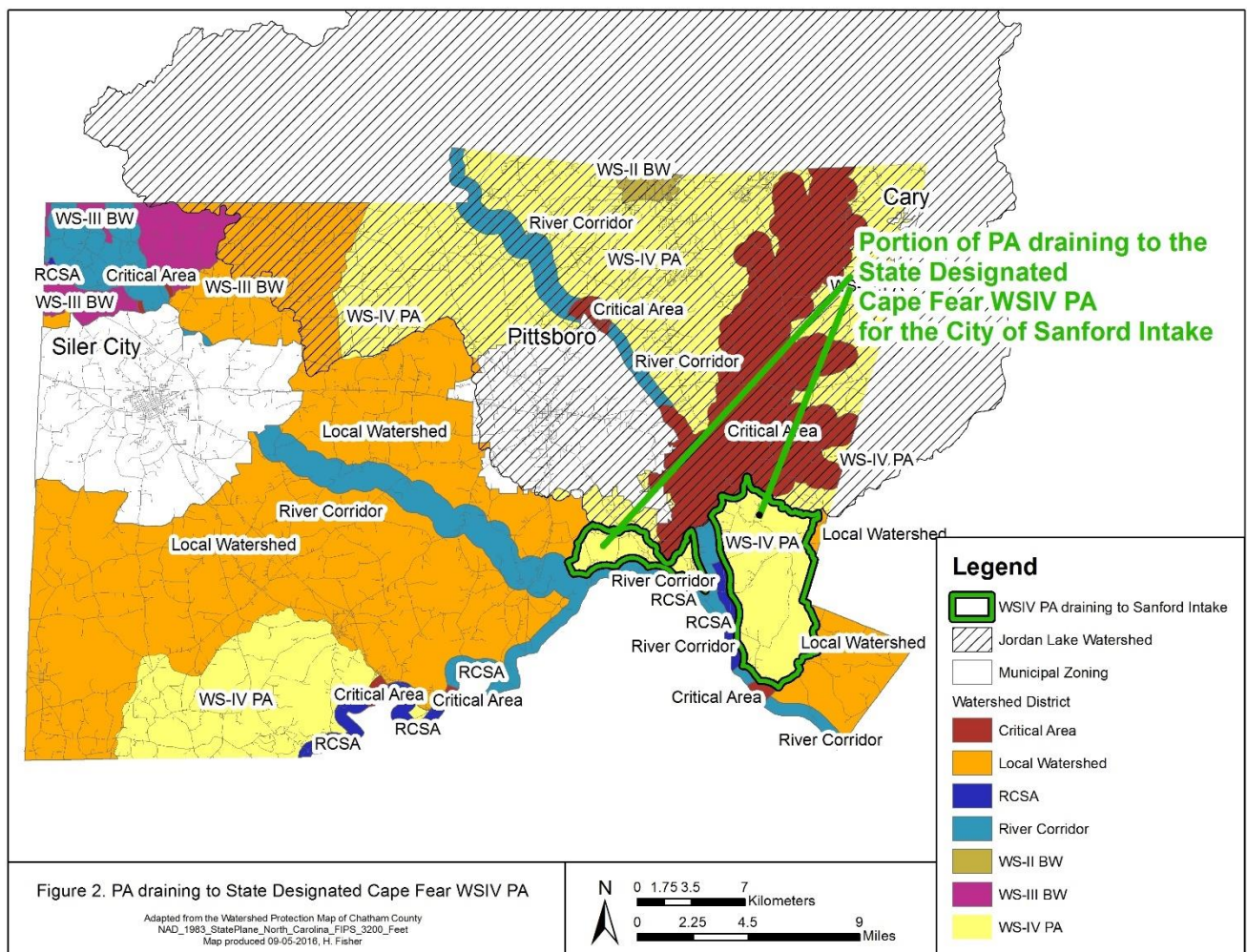
**Introduction & Background:**  
 A legislative public hearing was held on this request during the February 15, 2021 Board of Commissioners meeting. Staff presented the item and Brendie Vega, Director of Planning with Withers Ravenel, responded to questions from the board. There were no comments provided 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 rule 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 rule that will be explained in more detail. This high density option allows 12% to 70% built upon area for

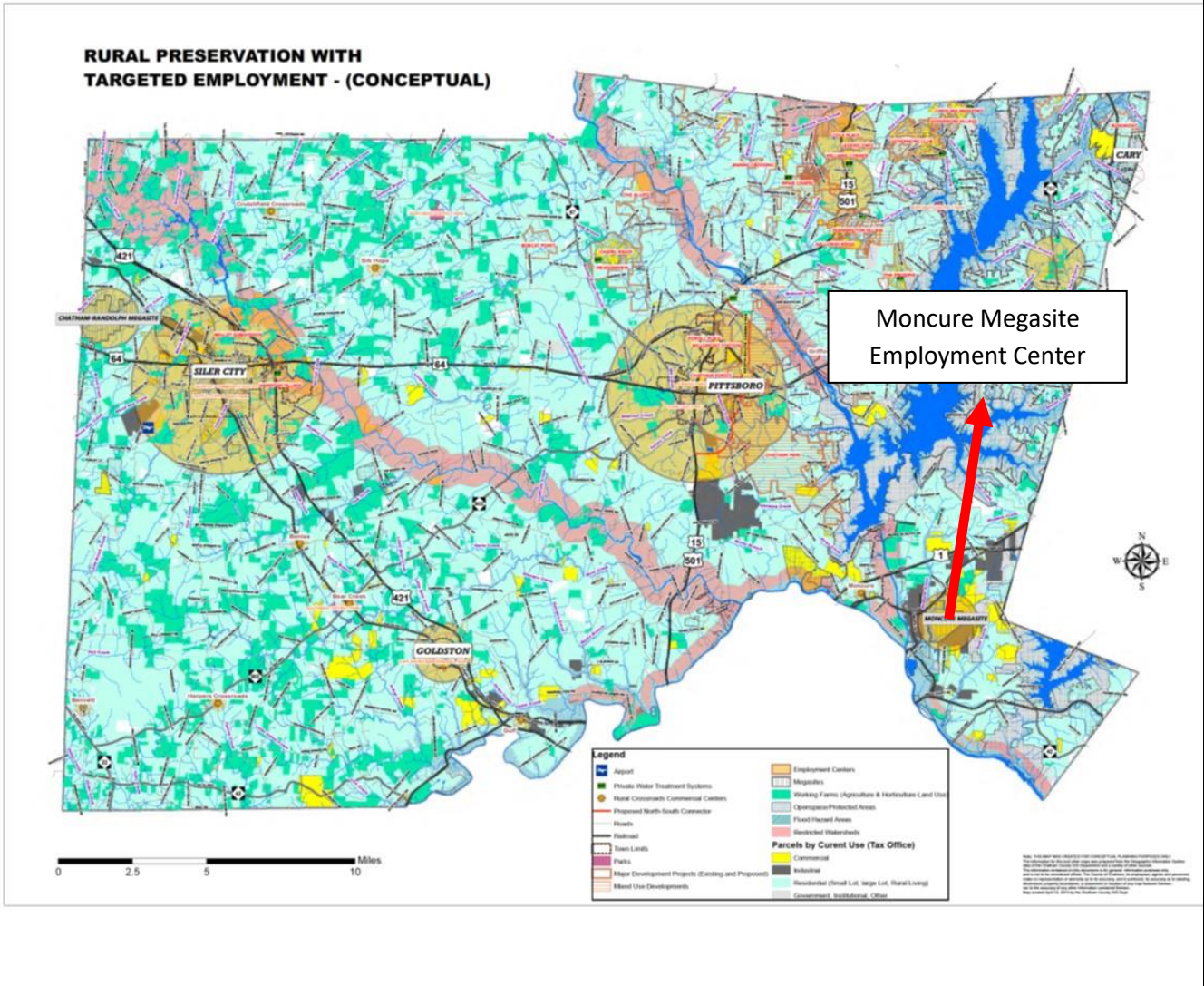
residential and non-residential uses with a requirement for stormwater controls for those projects. The Board of Commissioners chose the low density option for the county when the watershed ordinance was adopted. The model ordinance provides that a 10/70 rule may be adopted for certain watershed districts under the low density option. The 10/70 allows for 10% of the watershed to be developed at 70% built upon area and is approved as a special non-residential intensity allocation (SNIA). The 10/70 rule or other variation is provided for in several county watershed districts in the county.

In October 2016, the Commissioners adopted an amendment to the Watershed Protection Ordinance establishing a 10/70 rule 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) and search for a request by “Moncure Holdings LLC” for an amendment to the Cape Fear WSIV Protected Area watershed district. 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).

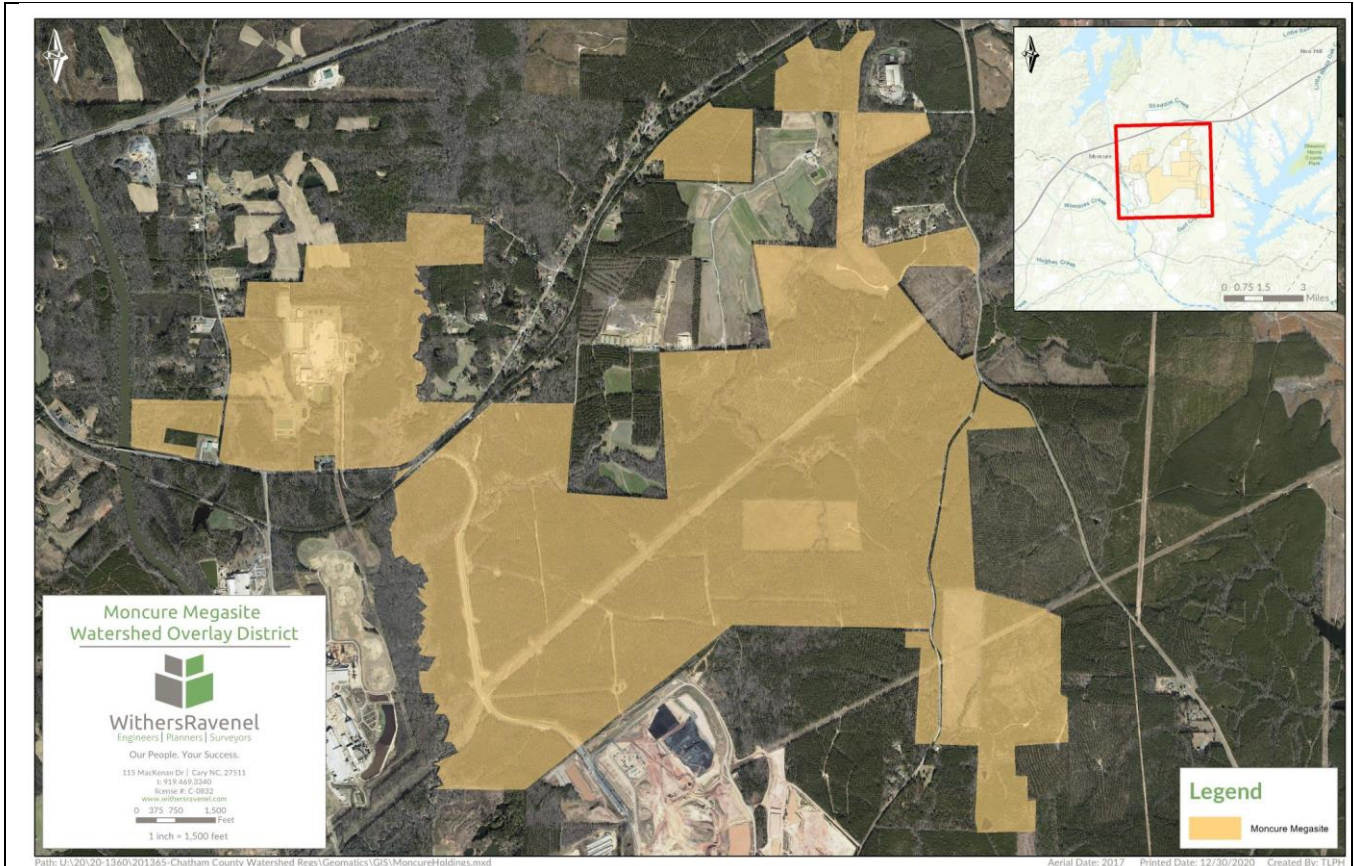


When the 10/70 rule was adopted for the Cape Fear watershed district the applicant requested that the area where the increased built upon area could apply would be limited to an area defined as the Moncure Megasite Employment Center as referenced in the Conceptual Plan Rural Preservation and Targeted 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 rule can apply in the Cape Fear watershed district by establishing an overlay district on the Watershed Protection Map based on parcel boundaries (see the following map that is included with the application). The Cape Fear watershed district has 18,988 acres and when applying the 10/70 rule 10% of the area is 1,899 acres. This yields 1,329 acres of built upon area at 70% imperviousness and the remaining acreage can be built at 36% impervious.



Watershed Protection and Planning staff discussed the overlay district approach with the applicant and it is our opinion this a better method than the currently approved language which references a separate map that is not based on easily identifiable boundary references. Staff also forwarded the proposed amendments to Paul Clark, Water Supply Watershed Protection Coordinator with the NC Department of Environmental Quality, and the revisions have been approved.

It should also be noted that there is a rezoning process running concurrently with this application. A majority of the area shown in the Moncure Megasite overlay district is zoned Heavy Industrial, but there a few parcels that are zoned residential and 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. Both the rezoning and watershed amendment applications are running concurrently but neither the Planning nor Watershed Review Boards have to take make a recommendation before the other board.

**Recommendation:**  
 Review the request and provide a recommendation to the Board of Commissioners.