**Meeting Minutes DRAFT**

**Chatham County Environmental Review Advisory Committee (ERAC)**

**March 11, 2021 - 6:35 p.m.**

**Remote Meeting via GoToWebinar**

**Attendance**

**Staff:** Rachael Thorn (Watershed Protection Director)

**Members** **Present:** Ray Bode (ERAC Chair), Jeannie Ambrose (recording secretary), Mary Beth Koza, Jeanette Ragland, Terri Tyson, and Madison Ponder.

**Guests:** Jason Sullivan (Planning Director), Diana Hales (County Commissioner), Angela Plummer (Zoning Administrator), Lindsay Ray (Paralegal), Jason Kaplan (Moncure Holdings), Brendie Vega (WithersRavenel), Hunter Freeman (WithersRavenel), Sam Rauf (Economic Development), George Lucier (Planning Board), Liz Rolison (SCN), Julie Esther (public), Nick Robinson (public), and Patricia Van Hoy (public).

**1. Call to order – RB**

**2. Virtual Meeting Guidelines:**

* Please keep your microphones muted.
* Other attendees will be automatically set to mute and must hit the "raise a hand" button to be called on by the Chair during the period for public input.
* Use the chat function if microphones fail or for connectivity issues.

**3**. **Determination of Quorum via voice roll call.**

**4. Approval of meeting minutes** for January 14th, 2020, via voice roll call vote.

**5. Recess ERAC.**

**6. Convene Watershed Review Board (WRB).**

* **RT**: ERAC agenda and Watershed Protection Staff Report, March 11, 2021, were emailed to ERAC members. Application and materials for WRB text amendment, <https://www.chathamcountync.gov/government/departments-programs/planning/rezonings-subdivision-cases/2021-items/moncure-megasite-watershed-ordinance-text-amendment>.
* **JS**: Two-part request by applicant for review: 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. [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-%20programs/planning/rezonings-subdivision-cases/2021-items/moncure-megasite-watershed-ordinance-text-amendment)
* No public input given or written public comments submitted on proposed request by Moncure Holdings, [21-3682](https://www.chathamcountync.gov/government/departments-programs/planning/rezonings-subdivision-cases/2021-items/moncure-megasite-watershed-ordinance-text-amendment), at the Feb. 15th mtg. of the BOC. **BV** gave the presentation.
* **JS** provided background on adoption of [10/70 Rule](https://www.chathamcountync.gov/government/departments-programs/planning/watershed-protection/watershed-10-70-rule) in 1994 and 2013 amendment to the Watershed Protection Ordinance establishing a 10/70 rule limited to the [Moncure Megasite Employment Center](https://www.chathamcountync.gov/home/showpublisheddocument?id=22353) in the Cape Fear WS-IV Protected Area watershed district. In December 1993 the Board of Commissioners adopted a low density option, adapting the Dept. of Environmental and Natural Resources model ordinance, with a higher built upon area. The 10/70 percent option is approved as a special non-residential intensity allocation (SNIA) in watershed districts, i.e., Cape Fear WS-IV Protected Area, in the county.
* The text amendment would remove references to the Moncure Megasite Employment Center and the 2013 conceptual Rural Preservation with Targeted Employment map. The proposed overlay district would better define the boundary limiting the application of the 10/70 rule within the Moncure Megasite. Also included is the requirement for 100’ vegetated buffer on both sides of perennial streams when using the 10/70 option [**15A NCAC 02B.0624 (11)**].
* The Moncure Megasite Watershed Protection Overlay District [2,247 acres total as noted by **HF**] would modify the area limiting where the 10/70 rule can be applied. The Moncure Megasite Employment Center, requested by the applicant and adopted by the Commissioners in July 2013, is depicted as a node/circle in the 2013 conceptual Rural Preservation with Targeted Employment map. The watershed overlay district would define the boundaries based on the parcels of the Moncure Megasite on the Watershed Protection Map. NC DEQ has approved proposed revisions to the Watershed Protection Ordinance.
* **JS**: Concurrently, Moncure Holdings, LLC and Moncure Holdings West, LL, are also requesting rezoning of seven Moncure Megasite parcels (249.036 acres total) from R-1 Residential to IND-H, Industrial Heavy.
* **RB**: Planning Board voted to table rezoning discussion at their March 2nd meeting until they receive answers to their questions from the applicants and hear WRB comments. **JS** will incorporate WRB response in notes for the next PB meeting in April. [Update: April 6, 2021, <https://www.chathamcountync.gov/home/showpublisheddocument?id=54904>]
* **HF:** The applicants are not increasing the total area where the 10/70 rule applies. The proposed text amendment includes the required 100’ vegetated buffer for perennial streams. The request does not supersede any other Chatham County regulations.
* **RB** did force main delineation and permitting for applicant years ago so he is familiar with the numerous streams and wetlands unmapped in the area. Would Moncure residents be able to access regional sewer line? Of all the places in CC, this site is already heavily impacted by industrial use. He expressed concern about placing additional burdens on the community. Here is an opportunity for the applicants and BOC to consider additional protections be given: vegetated setbacks for Intermittent Streams = 50 ft.; Ephemeral Streams = 30 ft.; Wetlands = 50 ft.; and Perennial Water Body = 50 ft.
* **JK:** Developer has no authority to allocate wastewater lines to properties outside the Moncure Megasite.
* **RT**: As written in the ordinance, buffer widths do not apply in this case except for the required 100’ buffer for perennial stream in the 10/70 rule unless the land is subdivided. Subdivisions of land trigger additional provisions/conditions be made.
* **JS**: Riparian rules apply to all. Dividing larger lots in the Moncure Megasite follow pre-2008 buffer rule.
* **MB** considered the overlay request as a metes and bounds matter.
* **JK** said that this [Moncure Megasite Employment Center] was an undefined circle and misrepresented specific sites. There will be a 12-mile wastewater line from Sanford to the Moncure Megasite. The City of Sanford was awarded a grant from the Golden LEAF Foundation to extend a sewer line to the Moncure Megasite. Chatham County and the City of Sanford agreed to jointly provide much needed public sewer infrastructure to serve the Moncure Megasite and local area. This would eliminate need for more spray fields.
* **HF** anticipates subdividing some of the larger parcels in the Moncure Megasite for potential users. Western part of parcel 5814 is in the River Corridor Special Area (RCSA) and may occupy fifty percent built upon area when approved as a special non-residential intensity allocation (SNIA) and will not be rezoned to IH. **JS** agreed that 10/70 rule does not apply to the area in the RCSA and HI will be corrected on the Watershed Protection Map.
* **JA** made a motion to table until applicants respond to rezoning information requested by the Planning Board and to include additional riparian buffer conditions to the proposed text amendment.
* This is the first time **JK** has heard about conditions being added. **BV** stated that these are two separate issues. Planning Board is working on rezoning request. This [motion] is proposing another text amendment. **HF** stated that applying metes and bounds would reduce the area of the circle limiting where the 10/70 applies. He said that he is not committed to anything other than the request before you tonight.
* Discussion continued on recommending the BOC consider additional riparian buffer conditions in the proposed text amendment to be more protective. As long as WRB is not changing existing CC buffer rules, it is within the purview of the WRB to recommend more protective measures to the BOC for consideration. WRB can make a motion to table discussion until our next meeting if clarification and further discussion on text amendment request are needed.
* **MB** motioned to table discussion and then withdrew her motion since this discussion followed after **JA** made an earlier motion that was never seconded. **JA** repeated the motion to table discussion with a request for more information and the recommendation that, in addition to the text amendment for 100 foot vegetated setback for all perennial streams [as required under the 10/70 rule], additional buffers described in Section 304 (D) (2), (3), (4), and (5) of the Chatham County Watershed Ordinance be considered for the site. **JR** seconded motion. Motion passed unanimously via roll call vote.

**7. Adjourn WRB.**

**8. Reconvene ERAC.**

**9. Special Topic: Stop Chatham North presentation on wastewater in NE Chatham.**

* **LR**, speaking onbehalf of[**StopChathamNorth**](https://stopchathamnorth.com/),covered the history of the wastewater treatment plant centrally located in Briar Chapel. Since Division of Water Quality issued a permit in 2005, infrastructure problems have resulted in odor issues and numerous raw sewage and reclaimed water leaks/spills. They are opposed to plans to expand the capacity of the BC WWTP to serve as a regional facility for new residential developments and schools nearby. There may be additional service demands from older developments in the area with aging septic systems nearing their end of life (10-15 years old).
* They have asked members of the CC Board of Commissioners to take a leadership role in bringing public and private stakeholders together and to get state funds for a regional wastewater treatment plant located outside their residential community. **TT** inquired if they have considered a small sewer system like the one in Goldston. **MB** suggested that under the Clean Water Act there is precedent to create a separate quasi-judicial entity like the Orange Water and Sewer Authority. **LR** said that they have talked to the Haw River Assembly and are meeting quarterly with DEQ.
* See the three documents submitted: 1) Briar Chapel Community Wastewater System;

2) Briar Chapel Community and Wastewater Treatment Plant History; and 3) Analysis of Discrepancy in Briar Chapel Effluent Generation vs. Discharge and Storage.

**10. Public Input Session– limited to 3 minutes per speaker:**

* No public input was given.

**11. Announcements and Updates:**

* **TT** will inquireabout someone to speak on the recent vote by the Pittsboro BOC to purchase a water filtration system to address the town’s water contamination problem.
* **GL** said that the Planning Board tabled their discussion on the proposed rezoning of seven tracts [>200 acres] of the Moncure Megasite. They submitted specific questions to the applicants and have up to three meetings to decide on application request. Also the PB denied application of the Chestnut Ridge subdivision, located near the Orange county line with numerous streams and wetlands, due to the number of offsite septic systems.

**12. Adjournment: MBK** motioned to adjourn; **JR** seconded. Meeting concluded at 8:41 pm.

***Next meeting: April 8, 2021, 6:30 pm (remote meeting)***