

..TITLE

Vote on a Legislative request to approve by the Chatham County Planning and Watershed Protection Departments to consider amendments to the Chatham County Watershed Protection Ordinance; specifically, Article 100 Section 103 (D) Exceptions to Applicability; Section 106 (A) Remedies; Section 109 General Definitions; Article 500 Section 501 Watershed Administrator and Duties; and updating department and division titles throughout the document.

..ABSTRACT

Action Requested:

Vote on a Legislative request to approve by the Chatham County Planning and Watershed Protection Departments to consider amendments to the Chatham County Watershed Protection Ordinance; specifically, Article 100 Section 103 (D) Exceptions to Applicability; Section 106 (A) Remedies; Section 109 General Definitions; Article 500 Section 501 Watershed Administrator and Duties; and updating department and division titles throughout the document.

Introduction & Background:

Periodically the Chatham County Watershed Protection Ordinance requires amendments to reflect changes in the state statutes and the model ordinance. Amendments to the Watershed Protection Ordinance and Map require approval from the N.C. Department of Environmental Quality. When recently approved amendments related to the Triangle Innovative Point (TIP) site and the 10/70 overlay area were sent to Paul Clark at the NC Department of Environmental Quality he noticed other changes were needed before he could approve the amendments based on recent changes to the model ordinance. The amendments are in Article 100 Section 106 (A) Remedies, Section 103 (D), Section 109 General Definitions, and Article 500 Section 501 Watershed Administrator and Duties. Throughout the document the references to Department of Environmental and Natural Resources and Division of Water Quality will be updated to Department of Environmental Quality and Division of Water Resources.

Discussion & Analysis:

In order to conform to the NCDEQ model ordinance, section 103(D) as shown in the attached redline document, was removed completely. Additionally, Section 106 was amended to include Watershed Administrator in place of Governing Board. Two Definitions have been added to Section 109 General Definitions. The definition for Balance of Watershed (BW) is the area adjoining and upstream of the critical area in a WS-II and WS-III water supply watershed. The "balance of watershed" is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where a water supply intake is located. The definition for Protected Area is the area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Throughout the document the old references to Department of Environment and Natural Resources will be replaced with the updated references to Department of Environmental Quality. Furthermore, references to the Division of Water Quality will be changed to the updated Division of Water Resources. Section 501 has a new subsection added as (G) The Watershed Administrator is responsible for ensuring that Stormwater Control Measures are inspected at least once a year and shall keep a record of SCM inspections.

These amendments shown in the attached redline document have been specifically requested and recommended by Paul Clark with the Department of Environmental Quality to bring the Chatham County Watershed Protection Ordinance into compliance with the state model ordinance. Mr. Clark also recommended a review of Section 304 Riparian Buffers. Staff has decided to refer this item to the UDO consultants.

The Watershed Review Board (WRB) reviewed the request during their December 9th meeting. Planning staff gave a brief presentation of the redline document and was available to answer any questions regarding the text amendments. The WRB did not have any questions and voted unanimously to approve the Watershed Protection Ordinance text amendments.

How does this relate to the Comprehensive Plan:

ED Policy 3: Continue to develop and promote the Chatham-Siler City Advanced Manufacturing (CAM) Site and the Moncure megasites to ensure future job creation in the County. NR Policy 1 & 3: Ensure the long-term quality of water resources and ensure the long-term viability of natural systems by acknowledging valuable natural resources and employing techniques to preserve the functionality of the systems of which they are apart.

Recommendation:

The Watershed Review Board, by unanimous vote, recommends adoption of an Ordinance Amending the Watershed Protection Ordinance approving amendments to Article 100 Section 103 (D) Exceptions to Applicability; Section 106 (A) Remedies; Section 109 General Definitions; Article 500 Section 501 Watershed Administrator and Duties; and updating department and division titles throughout the document.