

## **..TITLE**

Vote to approve a legislative request by Sean McCall representing Manns Chapel II LLC to amend the Watershed Protection Map for property located at 11399 US 15-501 (parcels 2641 and 2642) to revise the boundary between the WS-IV Protected Area and WS-II Balance of Watershed districts.

## **..ABSTRACT**

### **Action Requested:**

Vote to approve a legislative request by Sean McCall representing Manns Chapel II LLC to amend the Watershed Protection Map for property located at 11399 US 15-501 (parcels 2641 and 2642) to revise the boundary between the WS-IV Protected Area and WS-II Balance of Watershed districts.

### **Introduction & Background:**

An application has been submitted requesting an amendment to the watershed protection map to adjust the watershed boundary on parcels 2641 and 2642 located on the southwest corner of Manns Chapel Rd and US 15-501N. The proposed amendment is requested because the mapped watershed boundary between the WS-II Balance of Watershed (BW) and WS-IV Protected Area (PA) does not correspond to the drainage pattern on the property. Updated guidance from NC Department of Environmental Quality (DEQ) staff requires approval of a watershed map boundary revision by the NC Department of Environmental Quality prior to the local government scheduling a public hearing to consider the amendment.

### **Discussion & Analysis:**

NCDEQ has implemented a new process for watershed map amendments. The first step is approval of the revised boundary by the NC Department of Environmental Quality, Division of Energy, Mineral and Land Resources. Prior to NCDEQ considering the local government must authorize submitting the request and the commissioners approved this during the February 2023 meeting. Subsequently, NCDEQ has reviewed and approved the watershed district boundary change in a letter dated May 23, 2023. The applicant has provided an application, survey map showing the existing topography of the property, maps showing the current and proposed watershed boundary, and a cover letter explaining the change (included as attachments).

The parcels are currently used for a gas station and the owner intends to redevelop the site. The WS-II BW watershed has limitations on allowable uses and lower built upon area limits than the WS-IV PA district. As part of the site redevelopment, the owner intends to use more of the property closest to the intersection for commercial use.

A public hearing was held by the Board of Commissioners on June 20, 2023 to receive input on the application. Planning staff introduced the item and Nick Robinson, attorney

for the applicant, provided additional information. No-one from the public provided input. Staff commented they had been contacted by the property manager for Chatham Crossing shopping center regarding the public hearing notice received in the mail and they expressed no concerns about the application. There were questions from the commissioners that included:

- Does the county receive many requests such as this one?
- How were the original watershed boundaries determined?
- Could someone grade their property to change the drainage pattern and then submit a request to amend a watershed boundary?

Responses to those questions included:

- Staff responded that there are few requests such as this one and the last one was several years ago and related to an increase in surface area for the reservoir serving Siler City.
- Staff responded that they weren't certain how the original boundaries were determined at the state level, but it would not have been based on a field survey since the watershed program is statewide. The watershed boundaries were likely based on USGS maps and the technology available in the early 1990s. The property owner had a field survey of the contours prepared for these parcels and it showed that the drainage doesn't reflect the mapped boundaries. The proposed amendment has also been reviewed and approved by NC Department of Environmental Quality staff.
- Staff responded that in theory it might be possible for someone to grade their property to change the drainage and then submit a request to amend the mapped watershed boundaries. However, this is a unique request where a small portion of the watershed boundary is proposed to be changed (i.e. less than 2 acres). The properties involved are currently zoned for business use and have been used for commercial purposes prior to the watershed protection program being established in the 1990s. Additionally, a portion of the business activity is currently located within the WS-II BW watershed district and is proposed to be reconfigured.

It is staff opinion that the request be approved based on the NC Department of Environmental Quality review and approval.

The Watershed Review Board discussed the request during their regular meeting on July 13, 2023 and after a brief discussion unanimously recommended approval. Chris Bostic, PE, provided background information about the request on behalf of the applicant.

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

Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.

**Recommendation:**

The Watershed Review Board, by unanimous vote, and planning staff recommend approval of the proposed amendment and adoption of ordinance approving a request by Sean McCall representing Manns Chapel II LLC to amend the Watershed Protection Map for property located at 11399 US 15-501 (parcels 2641 and 2642) to revise the boundary between the WS-IV Protected Area and WS-II Balance of Watershed districts.