

..TITLE

Vote to approve a legislative request by the City of Durham on behalf of Western Intake Partners (City of Durham, Chatham County, Town of Pittsboro, and OWASA) for a rezoning from R-1 Residential to Conditional District Light Industrial, on parcels 17538 and 17546, being approximately 121.583 acres), located on Seaforth Road, for a regional drinking water treatment facility, New Hope Township.

..ABSTRACT

Action Requested:

Vote to approve a legislative request by the City of Durham on behalf of Western Intake Partners (City of Durham, Chatham County, Town of Pittsboro, and OWASA) for a rezoning from R-1 Residential to Conditional District Light Industrial, on parcels 17538 and 17546, being approximately 121.583 acres), located on Seaforth Road, for a regional drinking water treatment facility, New Hope Township.

Introduction & Background:

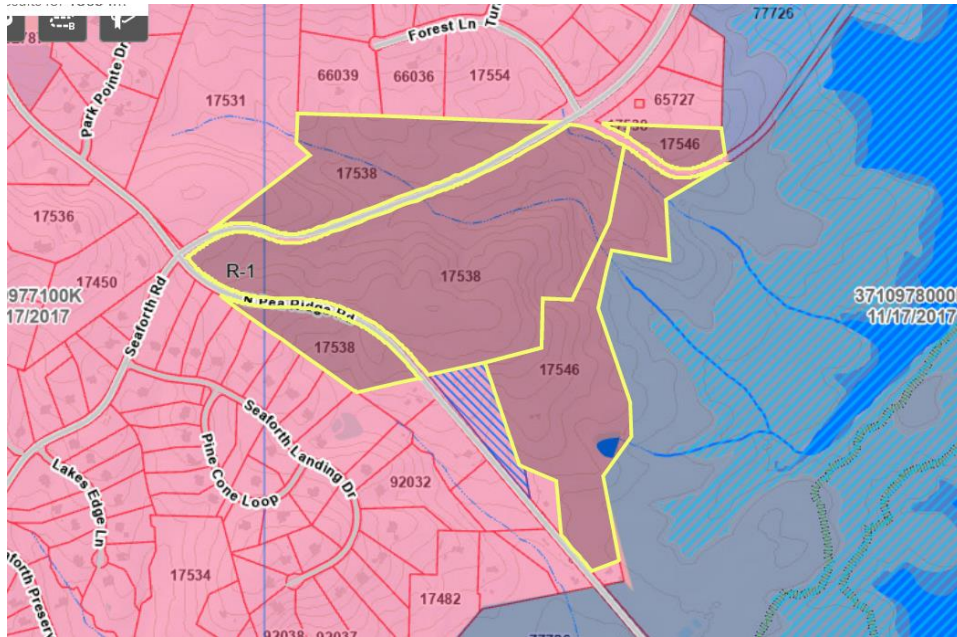
A legislative public hearing was held January 16, 2024. Planning staff presented the request and members of the applicant's team provided a PowerPoint presentation. Two residents spoke with one opposing due to concerns over hazardous materials, emergency evacuations, noise, land values, and peace and safety, and one requesting the unused land be protected as green space.

Orange Water And Sewer Authority (OWASA) purchased this property in 1989 in preparation for constructing a future water intake in Jordan Lake and treatment plant. Now that the population of the jurisdictions that would benefit from this facility has increased, the project is now underway. The projected time to be completely operational is 2031.

The Appearance Commission reviewed the proposed site plan on August 23, 2023. They were satisfied with the amount of vegetation that would be remaining and noted areas that did not continue with an opaque, vegetative, year-round screen should be supplemented as described. After further discussion, they recommended approval of the plan.

A community meeting was held July 20, 2023, and several residents in the community attended. Concerns were raised about noise, traffic, potential safety hazards, and effects on property values. Some adjacent landowners had more questions, so the applicant scheduled a second in person meeting on January 14, 2024. The major concerns were the chemicals used in the water treatment process, potential for an emergency evacuation should something happen, and risk to the residents and environment should a spill occur.

Current Zoning Map (The hatched blue line parcel is a Home Occupation Permit for Leslie Booker for a landscape design & maintenance business)



When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported.

Discussion & Analysis:

- 1. The alleged error in the Ordinance, if any, would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same. No errors are being claimed.**
- 2. The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of public health, safety, and general welfare.** In order to support existing and future growth, a regional water treatment facility (RWTP) has become a necessity. The other two in the area are the Chatham County Utilities' Jordan Lake WTP and the Town of Pittsboro. This facility will allow the Western Intake Partners access to their portion of the Jordan Lake water supply allocations made by the NC Environmental Management Commission.

Benefits to the county include protecting public health by providing treated drinking water from Jordan Lake and offering more fire protection for the community. A fire hydrant is proposed near the intersection of North Pea Ridge Rd and Seaforth Rd. This will also help with homeowner's insurance rates.

Employment opportunity will require 10-20 total employees on a daily basis.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.

- Ch 2, page 13 – Issues and Opportunities – The RWTF will directly support the issues identified for economic growth, land use, housing, infrastructure, etc.
- Ch 3, page 39 – Goals and Objectives – From a review by the State Historic Preservation Office and the Chatham County Historical Association, a grave site survey was completed. As a result, the developer will be allowing a 96-foot buffer between the Ellis cemetery and the WTF and a 30-foot buffer between the single “AB” grave and the WTF.

The RWTF will support the County’s on-going growth pattern by helping to provide water infrastructure for new development.

To help conserve natural resources, impacts to streams and wetlands will be avoided as much as possible. A natural vegetative buffer is proposed leaving approximately 56 acres of natural forested vegetation remaining.

- Ch 4, page 51 – Strategies – Economic Development – providing clean drinking water to support growth expectations and providing employment opportunities.

Conservation of natural resources by implementing a site design that avoids streams and wetlands as much as practicable and leaving approximately 56 acres in a natural, forested state. Preservation of open space and protection of historical features will be implemented.

Construction is to take approximately three (3) years. During this time, construction traffic will include about 100-150 construction staff with traffic to support concrete and construction material deliveries and hauling of excess fill material. A transmission pipeline will be constructed along Seaforth Road to convey the drinking water to the service areas. A 100-foot perimeter buffer is planned for the site.

Lighting will be installed to mitigate lighting impacts to nearby residences and wildlife. House-side shields will be provided on luminaries where glare or light trespass could occur.

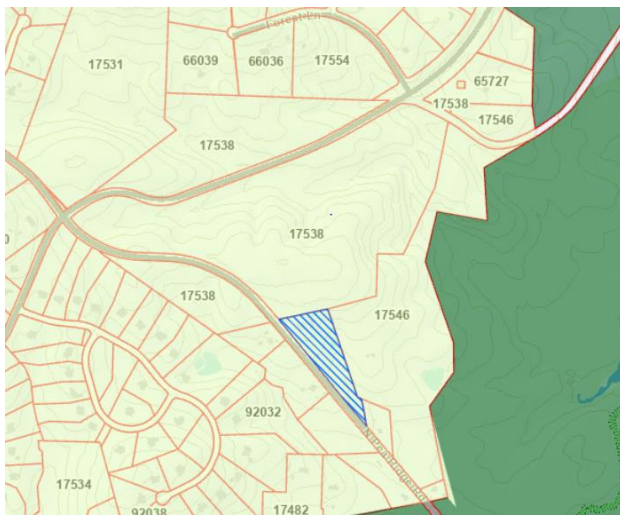
No detectable odors are expected offsite, and no biochemical or radioactive hazards will be associated with the facility. A list of proposed chemicals used for drinking water facilities included in the applicant’s documents. Residual (waste) from the treatment process will be stored, dewatered, and handled on site at the residuals storage and

treatment facilities located on the south side of the site. This process will be permitted via an NPDES permit from NCDEQ. The site is located within the Raleigh Regional Response Team area for hazardous materials emergency response.

Five proposed stormwater control measures are to be installed to control the removal of any pollutants from stormwater runoff before the water reaches streams and other surface water.

In response to questions about the potential for affecting property values, this project is not expected to reduce property values. The applicants presented information showing RWTF near heavy residential areas in Cary, Durham, and two Raleigh facilities. No reduction in land values has been shown.

Comprehensive Land Use Plan map showing parcels within the Rural designation

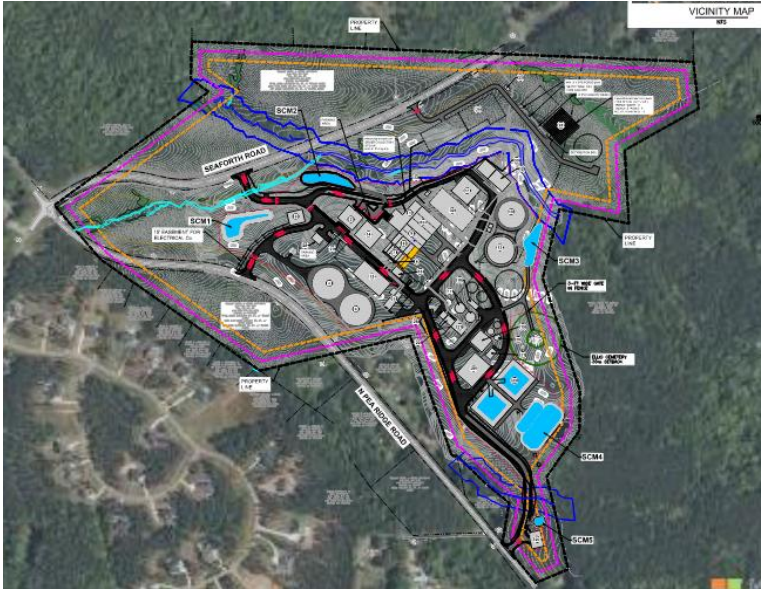


- 4. The requested amendment is either essential or desirable for the public convenience or welfare.** The water for the RWTF will be provided by Jordan Lake. No County water will be utilized. A domestic septic system will be installed for the facility permitted by the Chatham County Environmental Health Division of the Health Department. An NPDES permit will be needed from NCDEQ for discharge of the process wastewater from the filter backwash and sedimentation basin drains.

Four driveways are proposed, two on Seaforth and two on N Pea Ridge with final approval by NCDOT.

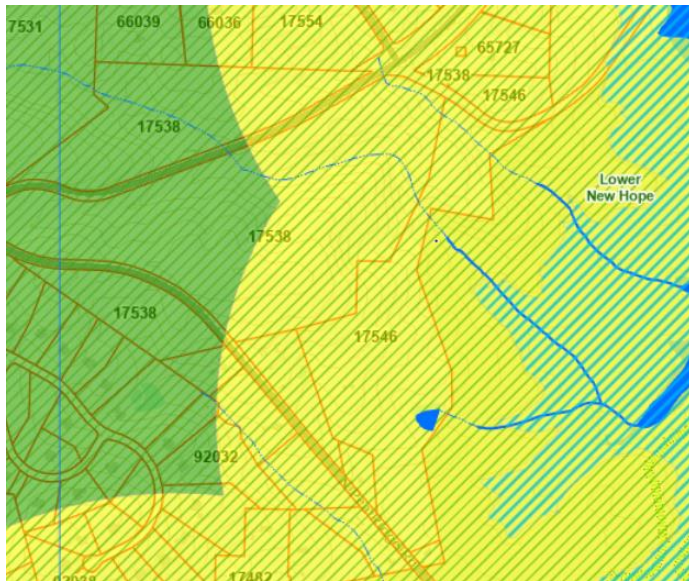
The NC Division of Air Quality will also permit and monitor the site.

Proposed Site Plan

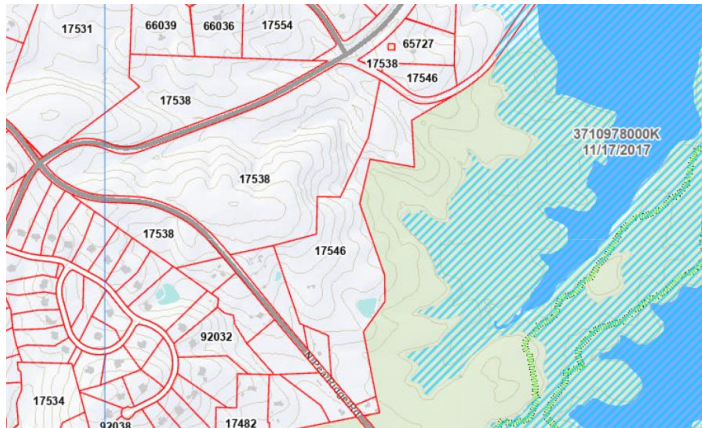


5. **All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.** The parcels are located within the WSIV-Protected Area and the WSIV-Critical Area watersheds in the Jordan Lake Buffer area. The WSIV-PA allows up to 36% without curb and gutter that can be developed in impervious surface. Any impervious area within the WSIV-CA district is limited to no more than 24%. This development is projecting for Phase 1, 7% BUA in the WSIV-PA area and 18% BUA in the WSIV-CA area.

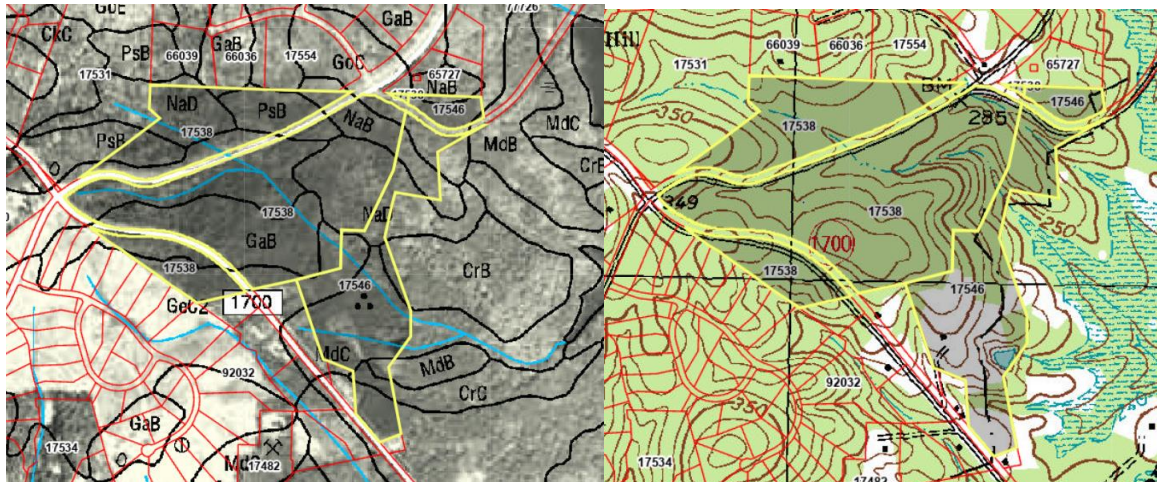
Below is the Watershed map showing the split between two districts



There are no mapped, floodable areas shown on the parcels. *The below is FEMA map 3710978000K, dated 11/17/2017*



NRCS and USGS Maps



The Planning Board reviewed and discussed the request at their February 6, 2024, meeting. The applicants' representatives and two residents provided comment during the meeting. Although the property was acquired in 1989 by OWASA, the preparation for development of this site has been underway since 2014.

One resident asked why the plant is needed stating the Town of Pittsboro is having their water expansion through the City of Sanford, our county water sales seem to be down, and light industrial uses do not fit in residentially zoned areas. A representative for the applicant stated it is projected that the triangle region will increase by one million people within the next 30 years. The current capacity once constructed, would handle 20 million gpd with the ability to expand to 80 million gpd in the future as demand increases.

This is a highly regulated facility that will be staffed 24 hours a day.

The Planning Board also requested that the preservation of the 56 undeveloped acres be listed as a condition of approval. It is noted below.

The Planning Board voted 7-0-1 (one abstention) to approve the request and consistency statement.

How does this relate to the Comprehensive Plan:

- Ch 2, page 13 – Issues and Opportunities – The RWTF will directly support the issues identified for economic growth, land use, housing, infrastructure, etc.

Recommendation:

The Planning Board recommends by vote of 7-0-1 (one abstention) to adopt a resolution approving the following consistency statement:

- The proposed rezoning for the purpose of constructing a Regional Water Treatment Facility is consistent with Plan Chatham to support current and expected growth not only for Chatham County but with the partnering local governments. This will provide clean drinking water to aid in the support of fostering public health and provide infrastructure to meet water demands.

The Planning Board recommends by vote of 7-0-1 (one abstention) to adopt and Ordinance Amending the Zoning Ordinance approving a legislative request by the City of Durham on behalf of Western Intake Partners (City of Durham, Chatham County, Town of Pittsboro, and OWASA) for a rezoning from R-1 Residential to Conditional District Light Industrial, on parcels 17538 and 17546, being approximately 121.583 acres), located on Seaforth Road, for a regional drinking water treatment facility with the following conditions.

Site Specific Conditions

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. The 56 acres as shown on the submitted site plan, which becomes the approved site plan for the project, shall remain in a natural, vegetated state which also includes stream/creek buffers and perimeter buffers. Where needed, supplemental, native, evergreen plantings may be required. With regard to any grading that may be required during the development of the project site, is permitted but shall be reseeded and/or revegetated where necessary.

3. With regards to the perimeter buffers, any grading, road work, etc. that may require vegetation to be removed, is permitted but once complete, additional plantings or reseeding may be required to be supplemented to ensure the Type A opaque landscaping buffer requirement.

Standard Site Conditions

4. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

Standard Administrative Conditions:

6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
7. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
8. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.