



COUNTY COMMISSIONERS

Mike Dasher, Chair
Karen Howard, Vice Chair
Franklin Gomez Flores
David Delaney
Katie Kenlan

COUNTY MANAGER: Dan LaMontagne

Ordinance of the Chatham County Board of Commissioners

**AN ORDINANCE AMENDING THE ZONING MAP
OF CHATHAM COUNTY**

City of Durham on behalf of Western Intake Partners

WHEREAS, the Chatham County Board of Commissioners has considered the request to rezone approximately 121.583 acres, being all or a portion of Parcel No/s 17538 and 17546, located at/off Seaforth Road, New Hope Township, from R-1 Residential to CD-Ind L Conditional District Light Industrial to develop the site for regional drinking water treatment facility, and finds that the amendment is consistent with the comprehensive plan of Chatham County as described in the Consistency Statement Resolution; and

WHEREAS, the Board finds that the rezoning request set forth in the Application and incorporated herein by reference, if approved as pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for rezoning; and

WHEREAS, the Board finds the five (5) standards, as described below, from the Zoning Ordinance have been met as stated:

No. 1: The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed description of such error in the Ordinance and detailed, and reasons how the proposed amendment will correct the same. No errors are being claimed; and

No. 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 the public health, safety and general welfare. In order to support existing and future growth, a regional water treatment facility (RWTF) 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; and

No. 3: The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or parts 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; and

No. 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. ; and

No. 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. ; and

BE IT ORDAINED, by the Board of Commissioners of Chatham County as follows:

1. The Application to rezone all of the property described as Parcel No/s. 17538 and 17546 and being approximately 121.583 acres as depicted on Attachment "A", located at/off Seaforth Rd, from R-1 Residential to CD-Ind L Conditional District Light Industrial, New Hope Township is approved and the zoning map is amended accordingly.
2. As part of this approval, the following conditions are also approved and shall be followed at all times:

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 reseeded 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.



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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.
3. This ordinance shall become effective upon its adoption.

Adopted this 18 day of March, 2024

Mike Dasher, Chair
Chatham County Board of Commissioners

Applicant/Responsible Party (By signing this document, you are agreeing to the conditions, if any, stated above for the approval of this request)

ATTEST:

Jenifer K Johnson, MMC, Clerk to the Board
Chatham County Board of Commissioners



ATTACHMENT A

Tax parcels 17538 and 17546, being a total of 121.583 acres, located off Seaforth Rd., New Hope Township

