

FEARRINGTON EAST, NORTHERN TRACT CONDITIONAL USE PERMIT APPLICATION

DETAILED DESCRIPTION OF THE PROJECT

A detailed description of the project follows:

1. Location: The site is located on the eastern side of Fearington Village in Chatham County.
 - a) The public highway serving Fearington Village is US 15-501.
 - b) The public roads serving the site are from US 15-501, Villageway to Lassiter to Spindlewood to Millcroft to Woodham to the project road; and from US 15-501, Weathersfield to East Camden to Millcroft to Woodham to the project road.
 - c) The current zoning of the site is RA-40.
 - d) The watershed designation is WS-IV PA and the impervious surfaces allowed are 24% with curb and gutter and 36% without curb and gutter.
 - e) This 46 acres tract lies north above Bush Creek. It is not in “Major Wildlife Areas” identified in the “Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina”, 1992. It is directly north and contiguous to the Big Woods Wilderness area. Approximately one-third of the site is in the Bush Creek Marshes area, which is an area identified by the Natural Heritage Program.
 - f) The size of the site is 46 acres and is a part of the overall Fearington East, northern tract of 243 acres.
 - g) Current utility or other easements assigned to this site: None.
 - h) The current use of the site: Open forest land and streamway.
 - i) Description of the current contents of the site (buildings, utilities, etc.): None.
 - j) Other Conditional Use Permits that have been granted for this site: None.
2. Description of the Requested Use: A wildlife forest preserve to be made a part of the Fearington P.U.D. by Conditional Use Permit. It will not be developed.
3. Site Plan and Drawing: See drawing.
 - a) See project drawing in the Fearington East, southern tract, CUP section of this application.
 - b) Vicinity map showing property location is in this section of the application.

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- c) County tax map with location of property identified is in this section of the application.
 - d) See Zoning Classifications map of Fearington Lands in Appendix A.
 - e) See Watershed Map in Appendix B.
 - f) A vicinity map showing the property proximity to the Big Woods Wilderness Area is found in Appendix C.
 - g) See FEMA Flood Map in Appendix D.
 - h) See EPA statement, "Protecting Water Resources with Higher-Density Development," found in Appendix E.
 - i) See Facts and Figures Chart in Appendix F.
4. Start and Completion Projections: As there is no development on this tract, there will be no "start" date.
5. This particular tract is not specifically mentioned in the Chatham County Land Use Development Plan but the Village of Fearington is, as is the adjacent Corps of Engineers land to the east of this project, and the Big Woods Wilderness Area south of this property.

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FINDING #1

The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.

1. Fearington Village is located 8 miles north of Pittsboro on the east side of the recently widened US 15-501 corridor. The land for this rezoning request is a part of the Fearington East, northern tract owned by Fitch Creations, Inc., founder of Fearington Village. The tract lies east of and contiguous to the Fearington P.U.D and Fearington Woods subdivision. This 46 acre parcel is zoned RA-40.

This request is to bring this parcel into the Fearington P.U.D. as open space preserve. The zoning requested for this parcel is RA-40 Conditional Use. When the Fearington East, northern tract property is brought into the Fearington P.U.D. this tract will not be developed. It will be open space preserve.

2. Section 10-3-B of the Zoning Ordinance specifies a Planned Residential Development as a Conditional Use Permit in an RA-40 zone.

FINDING #2

The requested conditional use permit is either essential or desirable for the public convenience or welfare.

1. The addition of the Fearington East, northern tract into the Fearington P.U.D. is desirable and promotes the welfare of Fearington Village and surrounding lands by:
 - a) Preserving a very large tract of forest land through which Bush Creek runs.
 - b) Extending protected wildlife areas that abut the Corps of Engineers Federal game lands/Lake Jordan buffer area and the adjoining neighbors' properties.
 - c) This portion of the Fearington East, northern tract property, if developed in typical RA-40 manner, would require 3500 linear feet of roadway and four acres of land clearing for those roads. The proposed plan does not develop the land at all. Instead, it is preserved as open space in the Fearington P.U.D.
 - d) Homes allowed by zoning to be developed on this parcel will be built in other areas of the P.U.D. that are less environmentally critical.
 - e) This forest and wetlands preserve will continue to offer wildlife habitat as it does now, and will insure that the entire parcel will remain buffer land between the Corps of Engineers wildlife lands Fearington Woods and P.U.D.

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- f) Preservation of this parcel of the Fearington East, northern tract will assure surrounding property owners that conditions that now exist along their borders will remain, into the future, as they exist today.

2. Survey of similar uses:

Fearington Village, the oldest P.U.D. in Chatham County, is grouped with the Governors Club and Carolina Meadows as the older and larger Planned Unit communities. Each has its own focus, its own character, its own look and population. Fearington has been and continues to be a desirable community in which to live. Fearington provides a large tax base for Chatham County. It is also desirable for the Village to have this property as open space land preserve.

3. Public provided improvements:

This addition to Fearington Village will require no demands for public services.

4. Tax considerations:

Anticipated annual tax revenue from this expansion of Fearington Village will be in the range of \$3,350 based on the land value, using the 2005 tax rate of \$0.6570 per \$100.

5. Employment:

There will be no employment directly associated with this land; however the Village of Fearington is a substantial employer (±400 employees).

FINDING #3

The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.

Emergency Services:

Emergency services will not normally be required for this project.

Traffic:

This property will not generate any traffic.

Impact to Surrounding Lands Value:

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A real estate appraisal has not been made to determine value; however it is felt that making this land a preserve will positively impact adjacent land values.

Visual Impact and Screening:

As this will be a preserve there will be no visual change to the property and no additional screening is proposed.

Lighting:

There will be no lighting of this preserve.

Noise:

There will be only the sounds of nature that currently exist.

Chemicals, Biological and Radioactive Agents:

None were discovered in the Phase I Environmental Assessment in 2004. Use of these types of agents is not proposed in this preserve.

Signs:

No signs are proposed other than possibly "No Hunting" notices.

FINDING #4

The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.

The North Carolina Natural Heritage Program inventory identifies Bush Creek Marshes, of which approximately 10% of this tract is included.

To the east of this tract, in the Bush Creek Marshes area which is a part of the Corps of Engineers buffer land and game area of Jordan Lake there is a Bald Eagle (*Haliaeetus leucocephalus*) nest. It lies approximately 800' from the eastern property line on Bush Creek.

Preservation of this land is most desirable, and that is the plan. The environment here will be protected from man and man and property will be protected from hunters who may be using the adjacent game lands.

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Watershed and Flood Considerations

The Fearington East northern tract is in the WS-IV PA protected watershed area. There is approximately 4 acres of Zone A as mapped by FEMA. Bush Creek is the southern boundary of this tract. The remaining land is Zone X.

The plan calls for no development on this land. The creek will have a 50' buffer from the creek bank per county regulations. All land will be preserved as open space and will remain natural.

FINDING #5

Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

1. Water Source and Requirements:

The Fearington East, Northern Tract (RA-40) will not be developed. There will be no water service required for this property.

2. Water/Sewer Impact Statement and Wastewater Management:

The Fearington East, Northern Tract (RA-40) will not be developed. No wastewater will be generated from this property. A sewer line will traverse the site on the western edge more or less parallel and running north of land currently in the Fearington Woods subdivision.

3. Access Roads:

Road egress will be from the southern Fearington East tract via Woodham to Millcroft, then to East Camden, then to Weathersfield and US 15-501.

There will be no roads constructed on this property.

4. Storm Water Runoff:

The Fearington East, Northern Tract will not be developed. Therefore, there will be no change in storm water runoff from this property

ENVIRONMENTAL IMPACT ASSESSMENT

In 2004 a Phase I Environmental Assessment of the Fearington East, northern tract property was conducted. The study, conducted by S&EC, identified no

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previously known or previously recorded environmental contamination problems and no existing or potential future problems were discovered.

The portion of the Fearrington East, northern tract property is accessible from Fearrington Village from a dirt road at Woodham Street. The entire site is woods and streamside marsh with numerous upland and bottomland trees and other vegetation. The woodlands are mature. There has been no commercial or industrial use of the property in the past 50 years. There are no improvements of any type on the property. Bush Creek flows along the southern boundary of this parcel and there are associated jurisdictional wetlands.

According to FEMA Flood Map 370299 0055B dated July 16, 1991, a small portion of the Fearrington East property abuts a tributary of Bush Creek and is within "Zone A: Special Flood Hazard Areas Inundated by 100-year Flood." The remainder of the property is outside Zone A, and is within the area categorized as "Other Areas - Zone X: Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood."

The Natural Heritage Program has identified favorable habitat for Carolina Ladle Crayfish in streams within a five-mile radius. These have not been specifically identified in this portion of Bush Creek. Similarly the Appalachian Golden Banner was in the database, however the last observation was in 1958, which is not a strong indicator that it will be found within the tract.

The Inventory of the Natural Areas and Wildlife Habitats (June 1992) has not identified this tract as a protected area.