

PLANNING & ZONING REVIEW NOTES

VII. B.

SUBJECT:

A request by **Fernando & Meredith B. Cardenas** for a text amendment to the Chatham County Watershed Ordinance, Attachment A, Permitted Uses, to add “Horse Veterinary Clinics on tracts of land greater than ten (10) acres.

ATTACHMENTS:

The following was submitted at the September 2, 2008 Planning Board meeting:

1. Application packet

The following can be viewed on the Planning Department webpage at www.chathamnc.org/planning under Rezoning & Subdivision Cases, 2008:

2. Photos provided at the public hearing

INTRODUCTION & BACKGROUND:

A legislative public hearing was held on September 15, 2008. Mr. Wade Barber, representative for the applicant, spoke on the request.

Mr. Cardenas owns property within the WSIV-CA Critical Area Watershed. He applied for and was approved for a home occupation permit for a mobile veterinary service in September 2004. Home occupations are permitted in this watershed classification. Mr. Cardenas’ business has grown to the point the home occupation permit no longer encompasses all that this practice is involved in. When researching bringing the property into compliance with the Chatham County Zoning Ordinance, it was discovered the watershed classification and “Attachment A” did not allow for this type of use.

DISCUSSION & ANALYSIS:

The Chatham County Watershed Ordinance became effective in January 1994. Various watershed classifications were made. The critical area watershed is located in areas adjacent to a water supply intake or reservoir where risk associated with pollution is greater. The critical area is defined as extending either one half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one mile up stream from the intake located directly in the stream or river (run of the river); or the ridge line of the watershed (whichever comes first). Though the majority of Mr. Cardenas’ property is in the Critical Watershed, the facility where the vet activities are conducted is approximately 165 feet away from the line between the WSIV-CA and WSIV-PA (Protected Area) classifications. The WSIV-PA designation does not restrict the non-residential uses except those expressly listed as prohibited (storing of toxic and hazardous materials); which, when using a conventional x-ray machine, would create such waste. By adding this use to Attachment A, the activity could be conducted in any and all Critical Area Watersheds which are the areas closest to water supply intakes or reservoirs.

Planning staff consulted with the radiology supervisor at NCSU (North Carolina State University) who advised the use of digital x-ray equipment would not generate hazardous or toxic waste. She also stated the use of digital x-ray equipment is much less harmful to humans or animals by minimizing radioactive exposure. NCSU has been completely digital since 2005 and they strongly encourage veterinarians to switch to or start with the new digital product at their practices. She also stated there is a mobile version that can be used in such needed cases as well.

Planning staff doesn't recommend limiting the veterinary services to those just for equines but recommends allowing all types of veterinary businesses.

RECOMMENDATION:

It is the recommendation of the Planning staff to approve the text amendment addition to "Attachment A" as follows:

Attachment A List of Permitted Uses to include:

"Veterinary clinics and hospitals on parcels of land of at least 10 acres and where the use of x-ray equipment is limited to that of "digital" systems".