

TEXT AMENDMENT REQUEST APPLICATION

(1) **Applicant Information:**

Name: Fernando & Meredith B. Cardenas
Address: 96 Poole Road East, New Hill, NC 27562

Phone No: (h) (919) 362-5762
(w) (919) 363-1686
(m) (919) 302-6461

(2) **Name of Ordinance for Text Amendment:** Watershed Ordinance (the "Ordinance")

(3) **Text of Ordinance to be varied:**

Attachment A: Permitted Uses
Page 45

Existing Language: Current Permitted Uses ends with "Temporary construction trailers or structure".

Requested Language Change: Immediately following "Temporary construction trailers or structure" we would request the following addition: "Horse veterinary clinics and on tracts of land greater than ten (10) acres" ("Horse Veterinary Clinics").

(4) **Reasons for the requested text amendment:** In the space below and on additional paper if needed, describe the reasons for the request and why you think it is justified.

The Amendment is in the Spirit of the Watershed Ordinance:

- **A Horse Veterinary Clinic is Typical of Current Permitted Uses:**
Currently, breeding kennels, boarding stables, and breeding stables are allowed in Watershed IV-Critical Areas ("CA IV"). However, the Watershed Ordinance does not provide for Horse Veterinary Clinics. A Horse Veterinary Clinic is a similar use creating no different type of watershed concerns. Furthermore, a Horse Veterinary Clinic is in keeping with the farm uses in the area.
- **The Applicant's Property Borders on WS IV – Protected Area ("WS IV"), which includes the relevant activity under Permitted Uses:**
The Applicant's Property to be affected by the requested amendment is located at the outermost edge of CA IV. Indeed, part of the Property lies within the WS-IV. Under the Ordinance, Veterinary Clinics are allowed in WS IV.

The Amendment Would Be Sufficiently Restrictive Resulting in Little to No Change:

- **There Are Very Few Horse Veterinary Clinics in Chatham County:**
Allowing Horse Veterinary Clinics, Chatham County does not open itself for rapid changes to existing developments. Indeed, there are currently approximately three¹ other horse veterinary clinics in Chatham County. Amending the Ordinance as requested would create a

¹ This is based on a check of various veterinary clinics and focusing solely on those clinics that service "large animal" or "equine." These include Dr. Cardenas' clinic as well as Caroline Equine/Food Ani Mob Vet (Siler City), Horsefeathers Veterinary Service (Pittsboro), and Large Animal Veterinary Services (Siler City).

very narrow exception to the current rule and would by and large only affect the property of the Applicant.

- **The Requested Amendment Severely Limits the Permitted Use:**

The Requested Amendment is limited to horse clinics, which, as discussed above are not common. Additionally, the requested amendment limits the activity to tracts of land of ten (10) or greater acres, which will further limit the potential impact of this change.

The Specific Tract of Land at Issue is a Horse Farm Which Has Also Been used as a Horse Veterinary Clinic for Many Years.

- **Dr. and Ms. Cardenas Will Continue to Have Their Personal Horse Farm and also Have a Horse Clinic they have for Many Years:**

Dr. Cardenas and Meredith Cardenas have been living on their horse farm (they both ride and have many personal horses) and have had a Horse Clinic (as a "Home Occupation") in the same location for nearly ten years. Dr. Cardenas and the other veterinarians make "house calls" for almost all horses they treat; very few are brought to their farm for treatment. Now that they have one non resident working in their home office and several veterinarians coming there for paper work and supplies, they may no longer qualify as a home occupation and will seek a special use permit to operate a Horse Clinic. Their practice will not significantly change and the Amendment Request is not brought with the intention of any change to the practice.

- **The Requested Amendment will not change any impact on the water shed;**

If the amendment is not allowed, Dr. and Ms. Cardenas can continue to have a horse farm and stables as they now have, but may be forced to locate their "office" off site resulting in additional travel and other adverse impacts.

- **Dr. Cardenas Abides By All X-Ray and Other Toxic Waste Requirements:**

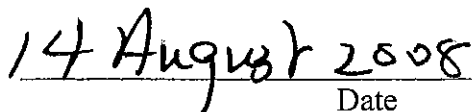
Dr. Cardenas uses exclusively digital x-ray machines. While they remain compliant under the Radiation Protection Services requirements, they have absolutely no waste due to the digital nature of the x-rays. As such, x-ray or other toxic run-off is not an issue.

(5) **Eagle Protection Zone.** As per the attached email ("Exhibit A") from Francis E. Ferrell, B. E. Jordan Lake, USACE Wilmington District, the particular parcel at issue does not fall within the Eagle Protection Zone.

I hereby certify that I am making application for the landowner or myself and that the information provided is complete and the statements given are true to the best of my knowledge.



Wade Barber, Authorized Agent


Date

The following must be signed by the owner if person other than the owner is making this application.

I hereby certify that Wade Barber is an authorized agent for said property and is an authorized agent for said property and is permitted by me to file this application.



Owner's Signature

8/13/08

Date