



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
2-16-09

**PART A**

**Subject:**

Request for a text amendment to the Chatham County Watershed Protection Ordinance to Section 303, Cluster Development, to delete provisions within the Pokeberry Creek drainage area, also referred to as hydrologic unit #03030002060010, allowing for lot densities to be located anywhere within a project area on parcels spanning multiple watershed districts.

**Action Requested:** See Recommendations.

**Attachments:**

#1 Proposed Text

**Submitted By:**

\_\_\_\_\_  
Keith Megginson, Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

☒ **County Attorney**

\_\_\_\_\_  
Date Reviewed

☒ **Finance Officer**

\_\_\_\_\_  
Date Reviewed

☐ **Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

**Re: Watershed Protection Ordinance, Section 303**

### **Introduction / Background / Previous Board Actions:**

A public hearing was held on January 26, 2009 on an amendment to the Watershed Protection Ordinance to delete a provision that allows lot density averaging for a project that spans multiple watershed districts within the Pokeberry Creek watershed.

### **Issues for Further Discussion and Analysis:**

The Watershed Protection Ordinance includes provisions for cluster developments in Section 303. When the ordinance was originally adopted this section generally matched the model ordinance provided by the State, with some minor modifications. The provisions of this section allow for smaller minimum lot sizes for subdivisions, provided the overall density allowed is not exceeded. The clustering provision is used when a subdivision request is approved as a Planned Residential Development through either the Zoning Ordinance or Subdivision Regulations. The North Carolina Division of Water Quality staff has provided a preliminary review of the amendments and did not find any problems.

On March 21, 2005 the Board of Commissioners approved an amendment to this section to allow for lot density averaging when a project spanned multiple watershed districts within the Pokeberry Creek watershed. The amendment was considered in conjunction with a conditional use district rezoning and conditional use permit request for Williams Pond Community, which is now named The Retreat on Haw River.

Two people spoke during the public hearing. One speaker supported the request to amend the ordinance and stated that they had expressed their opposition to amendment adopted in March 2005. The other speaker wanted clarification that the amendment would not affect the approval for Williams Pond Community and that it would be considered as grandfathered. The County Attorney stated that the amendment, if approved, would not affect the prior approval or current status of the project.

The Planning Board discussed this issue at length and recommended approval of the amendment. Several Planning Board members were concerned that if the amendment was not adopted, that a future developer could use this as a precedent for a future amendment in another watershed drainage area.

**Recommendation:** The Planning Department and Planning Board [by unanimous vote of 7-0] recommend that the proposed revisions to the Watershed Ordinance, Section 303 be adopted.