



**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 505, Establishment of the Watershed Review Board, to designate the Environmental Review Board as the Watershed Review Board.

**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 505**

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

A public hearing was held on January 26, 2009 on an amendment to the Watershed Protection Ordinance to designate the Environmental Review Board as the Watershed Review Board. The Planning Board currently serves this role.

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

The Watershed Protection Ordinance was adopted in December 1993 and is mandated by the State to protect public water supply watersheds, such as Jordan Lake and water intakes along the rivers from non-point source runoff. The ordinance requires the Board of Commissioners to establish a Watershed Review Board (see Section 505) with a minimum of five members. When originally adopted, the Planning Board was designated as the Watershed Review Board. The North Carolina Division of Water Quality staff has provided a preliminary review of the amendments and did not find any problems.

The primary responsibilities of the Watershed Review Board are to make recommendations to the Board of Commissioners on text amendments to the Watershed Protection Ordinance and to decide appeals and variance requests. The powers of the Board are provided in Section 507 of the ordinance. During the public hearing one person spoke and expressed their support for the amendment. The speaker stated that the Environmental Review Board was a relatively new advisory board and included members with expertise in this area.

During the Planning Board discussion there was concern raised that the change of responsibilities to the Environmental Review Board could create situations where a development could have additional delays in receiving a decision from the Board of Commissioners. Specifically, a development would go to the Environmental Review Board for a recommendation, then to the Planning Board, and then the Environmental Review Board acting as the Watershed Review Board could request an additional review. The Planning Board discussed this at length and determined that the process adopted in December in the Subdivision Regulations should not create such a situation, but would help to alleviate additional reviews.

### **Recommendation:**

Planning Staff: This is a policy decision for the Board of Commissioners to determine which existing advisory board is best suited to serve as the Watershed Review Board. Staff from the Manager's Office, Public Works, and the Planning Department have discussed the proposed transition in responsibilities and are prepared to accommodate a change if the amendment is approved.

Planning Board: The Planning Board (by a vote of 6 for and 1 against) recommended approval of the amendment.