

**TEXT AMENDMENT REQUEST APPLICATION**

(1) Applicant Information:

Name: NNP-Briar Chapel, LLC  
Address: 16 Windy Knoll Circle  
Chapel Hill, NC 27516  
Phone No: (H) \_\_\_\_\_  
(W) 919-951-0712  
(M) \_\_\_\_\_

(2) Name of Ordinance for Text Amendment: Chatham County Compact Communities Ordinance

(3) Text of Ordinance to be varied: See attached

Section \_\_\_\_\_ Page \_\_\_\_\_      Section \_\_\_\_\_ Page \_\_\_\_\_

Existing Language:  
See attached  
\_\_\_\_\_  
\_\_\_\_\_

Requested Language Change:  
See attached  
\_\_\_\_\_  
\_\_\_\_\_

(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.  
See attached  
\_\_\_\_\_  
\_\_\_\_\_

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

Nancy P. Roberts, Agent  
Signature  
Applicant/Authorized Agent

3-7-2014  
Date

**PROPOSED AMENDMENTS TO THE CHATHAM COUNTY COMPACT  
COMMUNITIES ORDINANCE**

**7.2 Wastewater Treatment**

**General Design Standards**

The following are general wastewater options available for compact communities:

~~——— Off site: Send wastewater to existing municipal treatment plants or construct new centralized wastewater treatment facilities;~~

~~——— Hybrid: Treat wastewater on-site and pipe treated water to an existing municipal treatment plant, or new centralized wastewater treatment facilities; or~~

~~——— On-site: Treat wastewater on-site and distribute treated water onto the land surface via irrigation system(s).~~

Wastewater treatment shall occur at centralized wastewater treatment facilities either on-site or at existing, previously permitted off-site facilities as permitted by the State of North Carolina Department of Environmental and Natural Resources (NCDENR). ~~Spray irrigation may occur off-site provided that said use conforms with the uses allowed in the applicable zoning district.~~

Wastewater collection, treatment, distribution and storage systems for compact communities must apply technologies approved by the State of North Carolina, with facilities and operating programs approved by the State of North Carolina, and with operations that are effectively monitored by the State.

**Location, Ownership, and Sizing of Wastewater Facilities and Spray Fields**

Compact communities shall be served by wastewater collection, treatment, distribution and storage systems that are adequate to serve the reasonable needs of the community and service area (as defined by the North Carolina Utilities Commission) and comply with all applicable regulations. The wastewater facilities may also serve neighboring areas. Compact communities shall:

- ~~• ——— Locate the wastewater treatment facilities and infrastructure within the project boundaries;~~
- Show the location of all wastewater facilities and spray fields needed for the compact community at build out in the sketch design submitted to Chatham County;

In the determination of adequacy, the County may consider any alternatives that provide reserve capacity in the wastewater system above the state required minimum, including but not limited to the following:

- Increasing the amount of wet weather storage to provide reserve capacity;

- Setting aside additional open space acreage for future spray irrigation to provide reserve capacity; and/or
- Limited spray irrigation on a certain portion of open space acreage during specified times in order that the remaining capacity of the acreage to accept wastewater spray results in reserve capacity

## **Wastewater Treatment System Operation and Management**

Wastewater collection, treatment, distribution and storage systems for compact communities shall be managed by an operator appropriately licensed by the State of North Carolina.

Provisions shall be made for sludge management and odor control that eliminates to the maximum extent possible adverse impacts to the compact community's residents and neighbors.

### **9.2 Perimeter Buffer**

Perimeter buffers shall be utilized to minimize the impacts of each compact community on adjacent properties along the entire perimeter of the compact community. Table 9.2 lists the minimum buffer width allowable, depending on the proposed land use along the edge of the compact community and the existing land use in the adjacent property at any point along the perimeter.

Chatham County may allow a reduction in the perimeter buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design or topography. In addition, Chatham County may allow a reduction in the perimeter buffer from fifty-one percent (51%) up to one hundred percent (100%) where the adjoining land owner consents in writing and Chatham County determines that the impact of the compact community is adequately mitigated by the community design or topography. A developer of a Compact Community may request of the Board of Commissioners such a waiver or reduction at any time.

### **9.3 Viewshed Buffers**

Viewshed buffers shall be utilized in order to minimize the impacts of compact communities on pre-development roadway views.

The developer shall map all roadway views into the project and delineate a continuous buffer of at least one hundred (100) feet in width. The buffer shall be measured at right angles to the edge of the roadway right of way into the compact community.

The Chatham County Board of Commissioners may allow a reduction in the viewshed buffer width required by this ordinance of up to fifty percent (50%) if it determines that the impact of the compact community is adequately mitigated by community design, topography, and/or guidelines or outdoor lighting such as those included in the proposed Chatham County lighting ordinance.

### **Dedication of the Buffer**

Once the viewshed buffer has been delineated, a deed restriction satisfactory to the County Attorney shall be filed with the Chatham County Register of Deeds that permanently protects this land as a buffer and identifies the maintenance responsibility that rests with the homeowners association.

### **Viewshed Buffer Vegetation and Land Uses**

To the extent practicable, existing native forest vegetation shall be utilized for this buffer, except that this requirement is optional for the developer where the use adjoining the applicable roadway is a commercial, institutional or office use. Farms, pastures, and other traditional rural land uses owned by the developer or protected with a permanent conservation easement may be used to meet this requirement. Topographic features such as hills, valley, and planted berms owned by the developer may also be used to meet this requirement.

Vegetative plantings in the buffer shall produce the effect of a natural forested area, using native species. The planting does not have to be opaque, but should function to significantly soften the visual impact of buildings, both initially and in the longer term. The visual buffering provided by vegetative plantings shall be effective in all seasons.

## REASONS FOR REQUESTED TEXT AMENDMENTS

NNP-Briar Chapel, LLC (“NNP”) is the developer of the Briar Chapel project (“Briar Chapel”). Briar Chapel is the sole existing compact community in Chatham County. Years of development of the project and experience with the Compact Communities Ordinance (“CCO”) have made evident certain clarifications needed to the CCO.

NNP has consulted with Planning Staff and has fashioned a consensus around a request for the changes set forth in the application.

The amendments, set out in redline form above relate to three subjects: (1) Wastewater utilities; (2) Perimeter buffer reduction option with consent of adjoiner and Commissioner review and approval; and (3) Viewshed buffer standards for commercial components of compact community. All three of these proposed amendment topics arise as a result of NNP’s unique experience under the CCO as the sole compact community developer. Some of these provisions were drafted without knowing what the future would hold. These changes are designed to match the language of the CCO with the practical realities that have become evident over the years.

The wastewater utilities amendments are intended to simplify the description of the options in order to match the permitting reality. Some of the options may be interpreted to unduly constrain what would be sensible options. For example, it is sensible for wastewater generated offsite to be delivered to the compact community wastewater treatment plant and then also to allow tertiary treated wastewater to be returned to the generating site for spray. This example is presently before the Board with respect to development of the US Steel site (parcel # 2177). This simplification carries out the intent and purpose of the Land Conservation and Development Plan (the “Plan”). One of the Major Recommendations of the Plan is to develop a program to promote reuse measures. (Plan, p. 4, Recommendation No. 20). The Plan further recommends and supports “promoting more efficient use of water by . . . increasing reuse of reclaimed water.” (Plan, p. 38, Water and Wastewater Infrastructure). The Plan goes on to specifically promote “efficient reuse of reclaimed water.” (Plan, p. 68). Moreover, these changes square with one of the stated purposes of the CCO; namely to “ensure . . . wastewater treatment in a way that does not create a future economic burden for the taxpayers of Chatham County.” (CCO, p. 2, Section 3(f): Purpose)

The perimeter buffer amendment allows for up to 100% reduction of the 100 foot perimeter buffer in circumstances where the adjoining property owner consents and the Board of Commissioners agrees that impact of the compact community is adequately mitigated by the community design or topography. This change allows the Board to make buffer adjustments where the intent of the Plan is preserved.

The viewshed buffer amendment clarifies that a developer will have the option to either maintain native forest vegetation along the roadway in the commercial, institutional or office areas or replace it with vegetative plantings in the buffer that produce the effect of a natural forested area, using native species. The viewshed buffer requirements will be unchanged with respect to the residential viewshed buffer areas.

All of the requested changes help implement the intent and purposes of the Plan by carrying out the intent of the CCO. The very first purpose of the CCO set forth in the Purpose section is to “help implement the Chatham County Land Conservation and Development Plan.” (CCO, p. 2,

Section 3: Purpose). All of the requested changes relate to practical experience with development of Chatham County's only compact community and, as such, are reasonably necessary to the promotion of the public health, safety and general welfare.