

## **..TITLE**

Public hearing request by Cathleen Rubens to repeal Section 3.4.2 of the Chatham County –Town of Cary Joint Land Use Plan. The section establishes a 400 foot undisturbed buffer adjacent to Corps of Engineers property when public utilities are utilized for a development in the portion of the plan area south of Lewter Shop Road and Martha's Chapel Road.

## **..ABSTRACT**

### **Action Requested:**

A request by Cathleen Rubens to repeal Section 3.4.2 of the Chatham County –Town of Cary Joint Land Use Plan. The section establishes a 400 foot undisturbed buffer adjacent to Corps of Engineers property when public utilities are utilized for a development in the portion of the plan area south of Lewter Shop Road and Martha's Chapel Road.

### **Introduction & Background:**

#### Plan History:

The Chatham-Cary Joint Land Use Plan (JLUP) was adopted by the Chatham County Board of Commissioners (BOC) in June, 2012. It was made effective July 1, 2012. The Plan is an official policy document adopted by the Chatham County Board of Commissioners and Cary Town Council meant to guide future land use, public infrastructure improvements and development in the Plan Area. The County and Town also approved an interlocal agreement regarding the plan, which can be viewed on the following website - <http://www.chathamnc.org/index.aspx?page=441> . Section 5d of the agreement outlines the process for citizen initiated plan amendments. The process requires that applications be submitted to both jurisdictions for consideration and that the County has to make a recommendation prior to the Town taking final action. Approval by both jurisdictions is required for an amendment to be incorporated into the plan.

### **Discussion & Analysis:**

#### Text of the Section 3.4.2:

"Water Quality Buffers Adjacent to Corps Land. Special buffers should be provided adjacent to U.S. Army Corps of Engineers property associated with the Jordan Lake Reservoir, for the portion of the plan area located south of Lewter Shop Road and Martha's Chapel Road. Any future development in this portion of the plan area that is served by public utilities should provide a 400 ft. undisturbed buffer adjacent to Corps property in order to provide additional watershed protection in the White Oak Creek drainage basin."

#### Section History:

The section was first proposed as part of "Proposed Plan 6A" by the Chatham-Cary Joint Issues Committee (CCJIC) Meeting on June 11, 2010 (Fig. 1). The minutes (Fig.

2) do not indicate any significant debate amongst the members regarding the buffer. The next mention of buffer is in CCJIC Staff Presentation (06/29/11) under “Other Plan Policy Recommendations” (Fig. 3).

Public Input History:

There was no specific mention of the 400 foot buffer in the 06/29/11 CCJIC minutes (Fig. 4). There was some general criticism of buffers by a few landowners, but also particularly of the 150 yard game land buffer

Impact Map:

See Figure 5 for a general impact map of the 400 foot buffer in the Plan Area.

**Recommendation:**

Hold the public hearing and forward to the Planning Board for a recommendation.