



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: April 20, 2015

To: Thomas J. Bonfield, City Manager

Through: Keith Chadwell, Deputy City Manager

From: Steven L. Medlin, AICP, Planning Director
Laura D. Woods, AICP, Senior Planner

Subject: Administrative Interpretation of Neuse/Jordan Lake Protected Area (F/J-B)
3822 Churchill Circle

Summary. The Planning Department received a request from Ms. Lucy Stokes for an administrative interpretation of the water supply watershed protection overlay boundary of the Falls Lake/Jordan Lake Protected Area (F/J-B), pursuant to the *Unified Development Ordinance*, Section 4.11.3, Rules and Interpretations of Overlay Boundaries. The property affected, located at 3822 Churchill Circle, is owned by Ms. Stokes, who requests that portions her properties be removed from F/J-B. The request includes a signed and sealed land survey that attests that only the southern portion of the property is within five miles of the normal pool of B. Everett Jordan Lake.

The North Carolina Administrative Code requires that the North Carolina Environmental Management Commission (EMC) approve all expansions and deletions to protected and critical area boundaries prior to adoption by the local government. The Planning Director requests authority from the Durham City Council to submit the proposed change to the watershed protection overlays to the EMC for approval.

Recommendation. The Planning Department recommends that the City Council authorize the Planning Director to seek approval from the EMC for this interpretation of the F/J-B boundary.

Background. Durham mapped watershed protection overlays in the early 1990s in response to new minimum state requirements. At that time, Durham opted to apply the following two policies to guide mapping of overlay boundaries:

- 1) When an arc representing the one-mile Critical Area crossed a property, the entire property would be included inside the Critical Area; likewise for the five-mile Protected Area.
- 2) The *Zoning Ordinance* (subsequently the *Unified Development Ordinance*) includes language to allow the Planning Director to make an administrative interpretation in cases where a property was transected by the one- and five-mile arcs at the request of the property owner.

Section 4.11.3, Rules for Interpretation of Overlay Boundaries, has been used several times in the past by multiple planning directors to more accurately locate watershed protection overlay boundaries.

The property in question, 3822 Churchill Circle (PIN 0719-01-28-9601), is approximately 2.1 acres in size and located within the F/J-B, adjacent to the Protected Area boundary. The normal pool of Jordan Lake is defined as the topographic contour line at 216 feet above sea level. The land owner has submitted a survey, prepared by Charles R. Billings, PLS, which documents that the majority of the site is located more than five miles from the normal pool of Jordan Lake (See Attachment D). The survey indicates that approximately one-third of the site should be included within the F/J-B. The Planning Director has evaluated the request and supports amendment of the F/J-B boundary as shown in the survey provided.

The North Carolina Administrative Code, in Rule 15A NCAC 02B.0104(o), requires that the EMC approve all expansions and deletions to Protected Area and Critical Area boundaries prior to adoption by the local government. The Planning Director requests authority from the City Council to submit the proposed change to the watershed protection overlay to the EMC for approval.

Issues. There are no significant issues.

Alternatives. The City Council could elect not to authorize the Planning Director to submit the proposed watershed overlay boundary change to the EMC for approval, effectively refusing Ms. Stokes' request for interpretation.

Staff Contact

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Attachment

Attachment A: Location Map

Attachment B: Context Map

Attachment C: Land Owner Request for Administrative Interpretation

Attachment D: Land Owner's Watershed Delineation Map