



**LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**  
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: August 25, 2017

Re: UDO Proposed Amendment #2017-5  
Lincoln County Planning and Inspections Department, applicant

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on September 11, 2017.*

**PROPOSAL**

Staff is proposing an amendment to Section 9.11.8.E of the Lincoln County Unified Development Ordinance to add community facilities such as churches and schools as projects that are eligible for a special nonresidential intensity allocation (SNIA) under the 10/70 option in water-supply watershed districts.

**BACKGROUND INFORMATION**

State-mandated regulations apply to development in watersheds that serve as sources of public drinking water. The regulations limit the density or built-upon area of new development. Some flexibility is provided for local governments, which are allowed to establish procedures for approving projects that exceed the standard limits.

Under the 10/70 option, 10 percent of the acreage in a watershed district may be developed with new projects that have up to 70% built-upon area. Approval is on a project-by-project basis through a conditional use permit process.

Section 9.11.8.E of the UDO is a fifth finding of fact that must be made in approving a permit for an SNIA. Currently, it limits eligible projects to those that will "substantially increase the county's tax base or otherwise significantly promote or expand economic development and/or job opportunities."

This proposed amendment would add another category of projects to that finding: those that serve a community purpose such as a place of worship, school or other community facility.

For nonresidential projects, the watershed regulations limit the built-upon area to a certain percentage of the total acreage of the site. (Built-upon area includes buildings, driveways, parking areas and other impervious surfaces.) The percentage varies by watershed district.

The standard in the WS-II Indian Creek watershed is especially stringent: Only 12 percent of a site can be built upon, unless an SNIA is approved. In the WS-III Buffalo Creek watershed, the limit is 24 percent. In the WS-IV South Fork River, Hoyle Creek and Mountain Island Lake watersheds, it's 36 percent.

The 10/70 option isn't available in the WS-IV Lake Norman Watershed. Instead, in order to exceed the standard, a project must be approved for the high-density option, which requires engineered stormwater controls.

The watershed regulations went into effect in 1994. To date, a total of 12 projects have been approved under the 10/70 option. The highest percentage of acreage allocated in any watershed district is in the South Fork River watershed upstream of High Shoals, where 0.0017% of the total acreage, or 0.017% of the available acreage, has been allotted.

If the acreage available for allocation under 10/70 option were used up in a watershed district, the high-density option would be placed into effect in that district.

This proposed amendment stems from a proposal by a church in the Indian Creek watershed to build a new family life center. The church came close to the 12% limit in an expansion in 2004 – even with an allowed exclusion for built-upon area in place prior to 1994 – and would exceed it with the proposed center.

The full text of the proposed amendment is included with the text amendment application.

Also included in this packet is a map showing the watershed districts.



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### **Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **UDO Proposed Amendment #2017-5**

Applicant **Lincoln County Planning and Inspections Department**

Proposed amendment **Amend Section 9.11.8.E of the Lincoln County Unified Development Ordinance to add community facilities such as churches and schools as projects that are eligible for a special nonresidential intensity allocation under the 10/70 option in water-supply watershed districts**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**Guiding Principle 3 of the Land Use Plan calls for giving special consideration to the location of community facilities as key elements in the county's quality of life.**

This proposed amendment **is reasonable and in the public interest** in that:

**Community facilities such as churches and schools serve the county's best interests and should be given high priority. Sufficient land is available in watershed districts for allocation under the 10/70 option for projects that will serve a community purpose as well as for projects that will substantially increase the county's tax base and/or provide job opportunities.**



## **UDO Text Amendment Application**

Lincoln County Planning and Inspections Department  
Zoning Administrator  
302 N. Academy St., Suite A, Lincolnton, NC 28092  
Phone: (704) 736-8440 Fax: (704) 732-9010

### **Part I**

Applicant Name **Lincoln County Planning and Inspections Department**

Applicant Address **302 N. Academy St., Suite A, Lincolnton, NC 28092**

Applicant Phone Number **(704) 748-1507**

### **Part II**

Briefly describe the proposed text amendment.

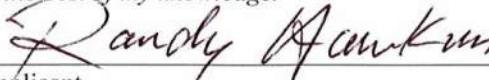
**Amend Section 9.11.8.E of the Lincoln County Unified Development Ordinance to add community facilities such as churches and schools as projects that are eligible for special nonresidential intensity allocations under the 10/70 option in water-supply watershed districts.**

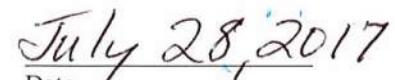
### **Part III**

Provide the full text of the proposed amendment (on a separate sheet if necessary) with proposed deleted text shown as struck through and proposed added text underlined.

**See next page.**

*I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.*

  
\_\_\_\_\_  
Applicant

  
\_\_\_\_\_  
Date

## **UDO Proposed Amendment #2017-5**

### **§9.11. Conditional Use Review**

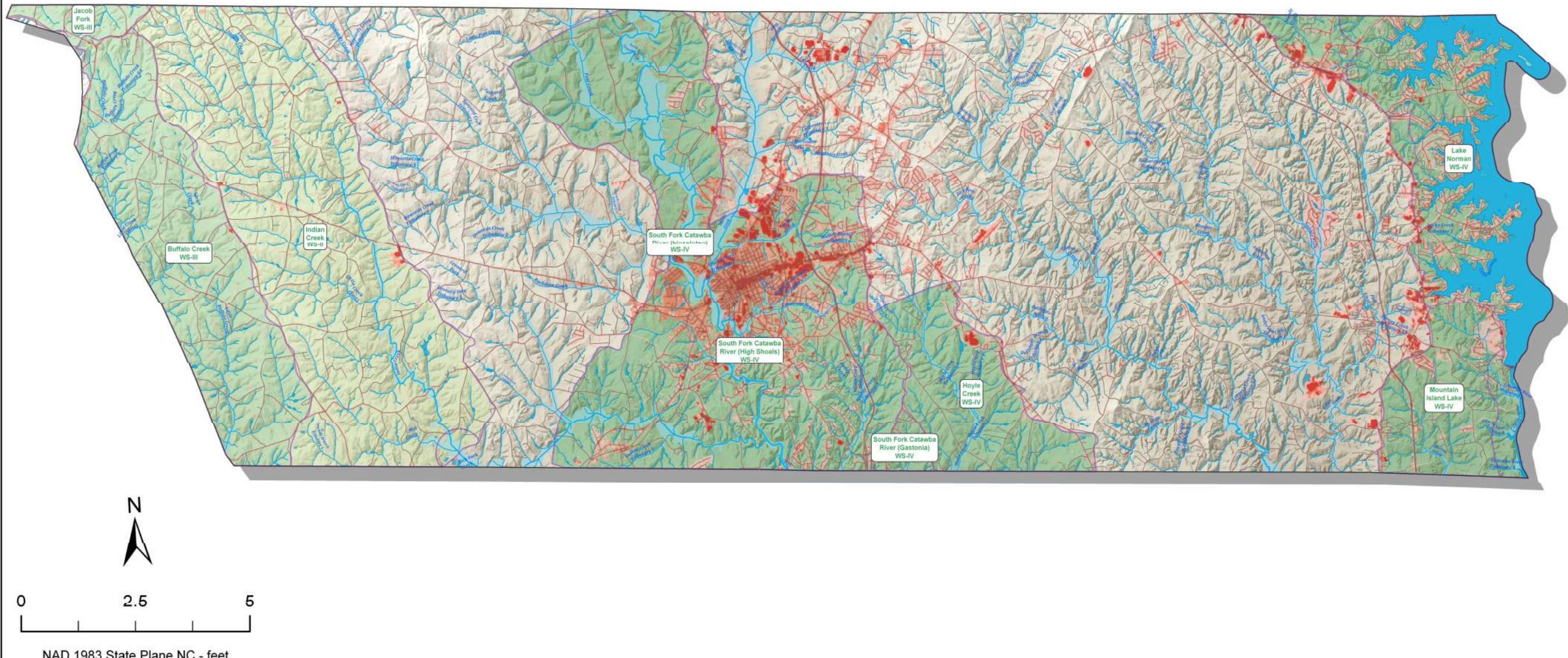
#### **§9.11.8 Findings of Fact Required**

No conditional use permit shall be approved unless the following findings are made concerning the application:

- A.** The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
- B.** The use meets all required conditions and specifications;
- C.** The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
- D.** The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Land Development Plan for the area in question; and
- E.** For SNTA's approved pursuant to §7.3.4.B, §7.3.4.C, and §7.3.4.E, the proposed development shall be found to substantially increase the ad valorem tax base of the County or otherwise significantly promote or expand economic development and/or job opportunities available to Lincoln County residents, or to serve a community purpose such as a place of worship, school, or other community facility.

# LINCOLN COUNTY

## Water Supply Watersheds



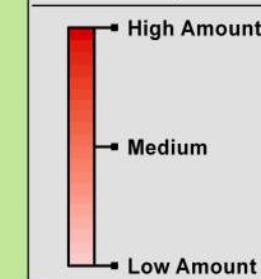
### LEGEND:

#### Water Supply Watersheds

- Water Supply II (WS-II)
- Water Supply III (WS-III)
- Water Supply IV (WS-IV)

- County Roads
- Lake or Pond
- Stream or River
- Streams
- 100-Year Floodplain

#### Observed Impervious Surface:



#### IMPERVIOUS SURFACE:

Impervious cover is a material on the land surface through which water cannot infiltrate. Impervious surfaces include urban materials like concrete, asphalt, metal or brick.



Lincolnton, NC



#### Water Supply II (WS-II):

Waters used as sources of water supply for drinking, culinary, or food processing purposes where a WS-I classification is not feasible. These waters are also protected for Class C uses. WS-II waters are generally in predominantly undeveloped watersheds. All WS-II waters are HQW by supplemental classification.

#### Water Supply III (WS-III):

Waters used as sources of water supply for drinking, culinary, or food processing purposes where a more protective WS-I or II classification is not feasible. These waters are also protected for Class C uses. WS-III waters are generally in low to moderately developed watersheds.

#### Water Supply IV (WS-IV):

Waters used as sources of water supply for drinking, culinary, or food processing purposes where a WS-I classification is not feasible. These waters are also protected for Class C uses. WS-II waters are generally in predominantly undeveloped watersheds. All WS-II waters are HQW by supplemental classification.

