

# Summary of Natural Resource Conservation Ordinance for Pittsboro, NC

*Unique wildlife habitats are being fragmented and are disappearing in North Carolina and the Southeast.*



Cape Fear Shiner

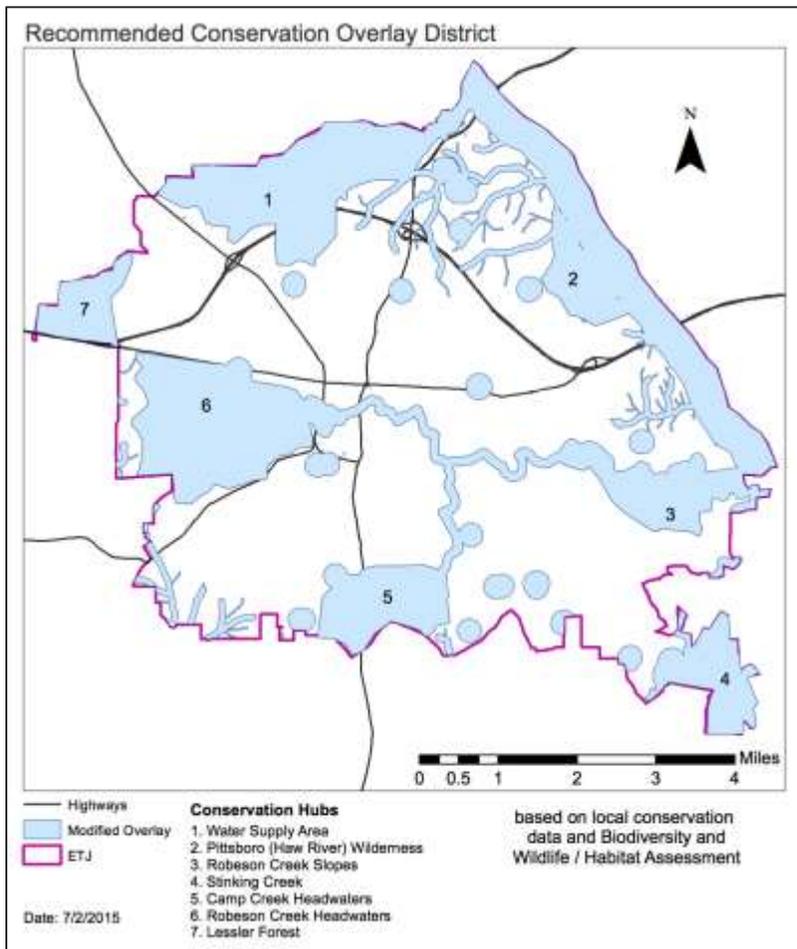
Clean water, clean air, and many native wildlife and habitats are vulnerable to improperly planned development. **This ordinance is intended to encourage conservation of the most sensitive wildlife habitats such as Cape Fear Shiner habitat,** and provide for wildlife corridors between protected lands. Developers benefit from a local conservation district such as this ordinance proposes because they will be better advised and guided through the development process in areas with wetlands and other sensitive environmental features. This will lead to fewer permit delays and opposition from neighbors and the community. **The ordinance can also be adapted as an optional type of development in exchange for a density bonus or other incentive.** The language for the ordinance was developed by the N.C. Wildlife Resources Commission and the Duke University Nicholas Institute for Environmental Policy Solutions.

## How is the District Determined?

The Natural Resources Conservation Overlay District (NRCO District) is designed to preserve and protect ecosystems while balancing the need for planned growth. This is accomplished by minimizing fragmentation, or

separation, of significant natural resource areas, protecting upland habitats adjacent to waterways and water sources, maintaining plant and animal habitat diversity, and protecting unique environmental features identified in the landscape.

The map of the recommended NRCO District of the Conservation Ordinance Review Committee is based on the Biodiversity and Wildlife Habitat Assessment relative conservation values 5 and above, as well as, the following significant natural resource areas: isolated wetlands, rare species streams, and hunting buffers along game lands. In addition, the overlay includes a 2000-foot Haw River Protection Area, as recommended in Pittsboro's Land Use Plan and 300 foot wildlife corridors along Robeson Creek and Camp Creek. Seven conservation hubs were identified in the overlay district: **1) Water Supply Area** that protects Brooks Creek watershed that drains to Pittsboro drinking supply above the Bynum Dam on the Haw River, **2) Haw River Wilderness** the remnant of the



Pittsboro Wilderness Natural Area that is not directly impacted by planned roads, **3) Robeson Creek Slopes** that includes a Natural Area and highly erodible slopes, **4) Stinking Creek** which includes high quality and rare Dry-Mesic Oak-Hickory Forest (Piedmont Subtype), **5) Camp Creek Headwaters** that protects the headwaters of the only tributary of Robeson Creek watershed that has a 'good aquatic life' water quality rating, **6) Robeson Creek Headwaters** that protects headwaters of the primary watershed in Pittsboro, which is an impaired creek, and **7) Lessler Forest** that protects a Natural Area of high rating with known occurrences for hardpan forest and the special concern species, four-toed salamander.

## Five steps taken to draft the recommended NRCO District:

1. Conducted a Pittsboro Community Conservation Survey to rank conservation priorities,
2. Compiled natural resource data and completed a Biodiversity and Wildlife Habitat Assessment (BWHA),
3. Presented survey and BWHA results to town staff,
4. Formed an advisory committee, the Conservation Ordinance Review Committee (CORC),
5. Obtained majority consensus from CORC on a NRCO District.

A brief description for each step follows.

### 1. Conducted a Pittsboro Community Conservation Survey to rank conservation priorities

An online survey was conducted in June 2014 to create a framework to rank potential conservation areas within the town of Pittsboro and its extraterritorial jurisdiction (ETJ). Invitations to participate in the survey were distributed via community listservs: Chatham Conservation Partnership (CCP), Chatham Chatlist, Bynum Neighbors and Facebook pages for CCP, Town of Pittsboro, Haw River Assembly, Abundance Foundation, and Pittsboro Matters. 208 responses to the survey were collected with 52% coming from residents of Pittsboro and 60% considering Pittsboro to be their hometown. The seven natural resource goals listed ranked in the following order from most to least valuable to survey respondents: water quality, natural heritage, forestry and tree protection, wildlife habitat, farmland, culture and history, and recreation lands.

### 2. Compiled natural resource data and completed a Biodiversity and Wildlife Habitat Assessment

Natural resource areas that were found within Pittsboro's ETJ include:

- **Natural Heritage Program Natural Areas:** Pittsboro Wilderness, Haw River Levees and Bluffs, Robeson Creek Depression and Hardpan, Robeson Creek Slopes, and the Lessler Montmorillonite Forest.
- **Highly Erodible Slopes:** Slopes 25% and greater with highly erodible soils (with RUSLE k-factor of .49 and greater)
- **Isolated Wetlands:** located using Chatham County's high confidence wetlands layer (hydric soils, 100 year floodplain, and National Wetland Inventory) and outside of the 50 foot buffer of USGS streams and soil streams.
- **Hunting Safety Buffer:** 150-yard buffer width around boundaries of N.C. Wildlife Resources Commission game lands.
- **Rare Species Streams:** Soil streams and USGS streams that drain to Threatened and Endangered species habitat (i.e., Cape Fear Shiner).
- **BWHA Layers:** See *Summary of the Biodiversity and Wildlife Habitat Assessment for Pittsboro, NC* for a description of the BWHA results and data layers.

### 3. Presented survey and BWA results to town staff

Based on results of the survey and BWA, the town staff recommended:

- Use BWA relative conservation values of 5 and above as a starting point to determine a NRCO District,
- Include the 2000 foot buffer on the Haw River recommended in *Pittsboro Land Use Plan*, and,
- Form a Conservation Ordinance Review Committee to develop recommendations for the town to consider on the Natural Resource Conservation Ordinance and a Tree Protection Ordinance.

### 4. Formed an advisory committee, Conservation Ordinance Review Committee

Conservation Ordinance Review Committee (CORC) included representatives from the Board of Commissioners, Planning Board, Chatham Co. Extension Service, a certified forester, Pittsboro Business Association, Chatham Park and Grand Trees of Chatham. The committee met 12 times between December 2014 and June 2015.

### 5. Obtained majority consensus from CORC on a NRCO District

Evaluated a NRCO District based on the conservation goals. The recommended district covers less than 38% of Pittsboro’s ETJ, see map on page 1.

## What is required for development proposals within the District?

*(For Districts that do not exclusively employ incentive options)*

Persons proposing a non-exempt development project need to have a *site survey* conducted by a qualified biologist to delineate the presence of significant natural resources on the parcel. **Please Note:** If the developer is also in the process of obtaining a wetland-delineation for a federal or state permit, the same biologist can conduct the site survey required in the ordinance.

If significant natural resources are determined to be on the parcel, then the ordinance requires a conservation area to be set aside (see Diagram 1):

- The Conservation Ordinance Review Committee recommended that up to, but not exceeding, 50% of the tract must be conserved only if significant natural resources are confirmed by the site survey on 50% or more of the parcel.

#### Legend

-  No **significant natural resources** were identified by the site survey in this area.
-  Areas where **significant natural resources** were identified by the site survey
-  Areas where Significant Natural Resources are of the highest priority.
-  Areas where **significant natural resources** need to be conserved

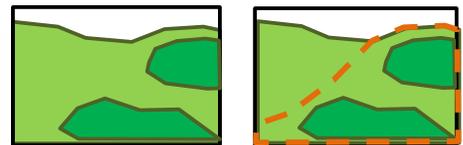
#### Explanation of the Scenarios

These parcels in the Natural Resources Conservation District have had the required site survey by a qualified biologist.

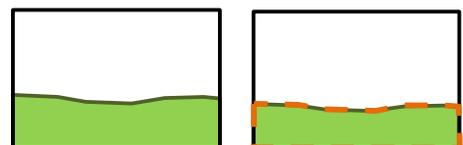
**A.** This site survey has identified that **> 50%** of the parcel is comprised of **significant natural resources**. A maximum of **50%** of the parcel is required to be conserved and this area needs to include the highest priority resources.

**B.** This site survey identified that only **25%** of the parcel is comprised of **significant natural resources**. Only 25% of the parcel is required to be conserved.

**A. Maximum Conservation Scenario:** More than 50% of the parcel is identified as containing significant natural resources by the site survey. Only 50% of the parcel needs to be in conservation.



**B. Other Conservation Scenarios:** Less than 50% of the parcel is identified by the site survey as containing significant natural resources; the extent of significant natural resources on the parcel needs to be conserved.



- If less than 50% of the parcel is comprised of significant natural resources as confirmed by the site survey, then that proportion of significant natural resource area is conserved.

- For example if 25% of the parcel is confirmed to contain significant natural resources then only 25% of the parcel needs to be conserved.

- An *alternative scenario* to consider would be for 35% of the tract to be conserved only if significant natural resources are confirmed by the site survey on 35% or more of the parcel. Conserved areas beyond 35% can be incentivized through the use of a density bonus.
- Natural resource management activities must be identified that will maintain the quality of the natural resources in the conservation area.
- If development impacts cannot be avoided to certain areas that contain significant natural resources, an equal area must be conserved elsewhere on the parcel.

The ordinance also *limits impervious surfaces* in the parcel. The Conservation Ordinance Review Committee recommended that impervious surface areas be limited to *15% to 25%* over the entire tract.

## What can developers do if they cannot meet the requirements of the District?

If the ordinance is optional in exchange for a density bonus or other incentive, the developers can choose not to implement a conservation development. If conservation development is required within the district, developers may request a variance from the town. The town would evaluate the merits of the variance request.

*A Model Conservation Ordinance Implementation Toolkit* accompanies the model conservation ordinance. This toolkit provides model language and guidance on how to implement the model ordinance as an option incentive, based on a density bonus, for conservation development design.

This report illustrates how the Model Natural Resource Conservation Ordinance could be implemented in Pittsboro, NC incorporating the recommendations of the Conservation Ordinance Review Committee. This work was done as part of the **Planning Tools for Pittsboro Project**.

Like many of the rural communities surrounding the Research Triangle Park, Pittsboro faces intense development pressures, threatening their natural resources. Planning tools, such as the Model Natural Resource Conservation Ordinance developed by the N.C. Wildlife Resources Commission and the Duke Nicholas Institute for Environmental Policy Solutions can be tailored for used by small towns. The model ordinance provides comprehensive natural resource and habitat conservation in North Carolina communities.



To download the Model Natural Resource Conservation Ordinance visit the N.C. Wildlife Resource Commission Green Growth Toolbox webpage on Greening Incentives and Ordinances: <http://www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox/GreeningOrdinances.aspx>



To download maps of each natural resource layer of the Recommended Natural Resource Conservation Overlay District for Pittsboro or to review committee notes for each meeting and recommendations of the CORC visit the Chatham Conservation Partnerships wikispaces: [www.chathamconservation.wikispaces.com](http://www.chathamconservation.wikispaces.com).



Funding for this project was provided in part through the Urban & Community Forestry Program of the North Carolina Forest Service, Department of Agriculture and Consumer Services, in cooperation with the USDA Forest Service, Southern Region.

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