

## 5. Master Stormwater Manual Additional Element:

### Section 1. Purpose & Applicability

Note regarding conflicts with existing references: All references, terms, and definitions mentioned in this Element refer specifically to Chatham Park unless otherwise specifically noted. Example: "Design Manual" in this Element refers to the Chatham Park Stormwater Design Manual. If the intent is to reference the Town of Pittsboro Design Manual, the full name will be used.

#### Introduction:

This is the Master Stormwater Manual Additional Element for Chatham Park Planned Development District (also referred to herein as "Stormwater Element" or "Element"). Quoting from the Master Plan:

"Stormwater control measures, stormwater systems, and stormwater treatment practices (together, 'Best Management Practices' or 'BMPs') for new development in the *Chatham Park* will be designed to meet the following standards (subject to and/or utilizing variances and/or lesser standards and/or offset payments that may be granted, adopted or accepted by the Town or other applicable governmental entity):

1. Control and treat the runoff generated from all surfaces by one inch (1") of rainfall.
2. Limit nitrogen and phosphorous loads not to exceed 3.8 pounds per acre per year for nitrogen and 1.43 pounds per acre per year for phosphorous.
3. Have a minimum of 85% average annual removal for Total Suspended Solids.<sup>1</sup>
4. Control post development stormwater runoff rates so that there is no increase in peak flow rates from the pre-development condition for the one (1) year, two (2) year, five (5) year and ten (10) year 24 hour storm events for that site. For regional BMPs, there shall be no increase in flow rates from the pre-development conditions from the contributing watershed for the same storm events. All analyses shall be based on full buildout conditions within the site or watershed.
5. Standards specified above are established as minimum standards."

For the purposes of this Element and all other Additional Elements:

- a. BMPs also may be referred to as "Stormwater Control Measures" (individually and together, 'SCM' or "SCMs"); and

---

<sup>1</sup> Subsequent to approval of the Master Plan, NCDEQ modified its requirements with respect to removal of 85% of the Total Suspended Solids by referring to Primary SCMs.

b. In the fourth line of #4 above, the words "contributing watershed" are changed to "contributing sub-watershed". For such purposes, the term contributing sub-watershed refers to the sub-watershed in which the applicable development site is located.

In accordance with the Master Plan, the foregoing standards may be achieved through construction or installation and operation of any SCMs or combination of SCMs allowed by this Element, and may be achieved by SCMs that serve individual parcels, SCMs that serve multiple parcels, or by combinations of SCMs that serve individual parcels and multiple parcels. This Element provides further details as to how the foregoing standards may be achieved in Chatham Park.

References in this Element to departments or agencies of the State of North Carolina are intended to refer to the applicable department or agency, regardless of the name by which it is known.

#### Purpose:

The Master Plan committed to deliver a community of exceptional design and quality that protects critical environmental resources. To that end, this Element is designed to meet the Master Plan's commitment to watershed stewardship using the following means:

1. Outlining the administrative relationship between the Stormwater Program Manager for Chatham Park and the Town Stormwater Administrator<sup>2</sup>;
2. Defining the Chatham Park stormwater plan submittal and internal review process;
3. Establishing a sustainable program for long term operation and maintenance of SCMs in Chatham Park;
4. Developing a set of requirements to ensure that Chatham Park complies with applicable Chatham Park, Town, State, and Federal stormwater regulations;
5. Encouraging the use of non-structural stormwater devices and green infrastructure to protect watershed health; and
6. Establishing an evaluation process for development to determine compliance with the Stormwater Standards in both high and low density development areas.

#### Authority:

In accordance with the Town's planned development district zoning ordinance and the Master Plan, this Element provides additional detail on the handling of stormwater, maintenance of stormwater control measures, and management of the Chatham Park stormwater compliance program.

#### Applicability:

The Stormwater Standards apply to all development and redevelopment within Chatham Park.

---

<sup>2</sup> The "Town Stormwater Administrator" (who also may be referred to herein as the "Stormwater Administrator" is the person designated by the Town to enforce the provisions of this Element.

## Critical Environmental Resources:

For the purposes of this Element, critical environmental resources are the following:

- perennial and intermittent streams
- U.S. Army Corps of Engineers jurisdictional wetlands
- U.S. Army Corps of Engineers jurisdictional waterbodies
- Federal Emergency Management Agency Special Flood Hazard Areas and Future Conditions 1% Annual Chance Flood Hazard as identified in the current Flood Insurance Study and effective National Flood Insurance Program map panels, including Letters of Map Revision, Conditional Letters of Map Revision, Letters of Map Amendment, and Letters of Map Revision Based on fill, and other map changes approved by the National Flood Insurance Program after initial publication of the applicable map panels
- regulated buffers and additional buffers<sup>3</sup>
- tree canopy, in accordance with the Exceptional Design Evaluation (as defined in this Element)

## Section 2: Administration:

Chatham Park Investors LLC ("CPI") or its assignee or designee shall designate a Stormwater Program Manager to administer the Stormwater Standards in Chatham Park. The Stormwater Program Manager shall be a registered professional engineer or landscape architect licensed in the State of North Carolina, with specific knowledge of North Carolina stormwater practices, policies, and regulations. The Stormwater Program Manager for Chatham Park shall oversee implementation of all components of watershed protection and stormwater management in Chatham Park in accordance with the standards contained in the Master Plan, this Element, the Design Manual, and applicable Town, State, and Federal stormwater regulations (together, the "Stormwater Standards"). Services provided by the Stormwater Program Manager may be paid for by one or more of the following: the applicant requesting approval of a development plan; fees charged by the Development Review Committee for Chatham Park; assessments collected by the property owners association(s) in Chatham Park that is/are responsible for maintenance of SCMs (referred to herein individually and together as the "POA"); any other method provided for in applicable restrictive covenants. Prior to submission of a development plan to the Town, the Stormwater Program Manager shall review the development plan to determine its compliance with the Stormwater Standards and require revisions to that development plan as necessary for compliance with the Stormwater Standards.

The Stormwater Program Manager may delegate any or all of the roles and responsibilities of the Stormwater Program Manager described in this Element to one or more Assistant Stormwater Program Managers. The Assistant Stormwater Program Manager(s) shall have, in the absence or unavailability of the Stormwater Program Manager, the authority to exercise all of the roles and

---

<sup>3</sup>Riparian buffers in Chatham Park are described in the Master Open Space Plan Additional Element.

responsibilities of the Stormwater Program Manager described in this Element. The Stormwater Program Manager shall notify the Town Stormwater Administrator in writing of the names of all Assistant Stormwater Program Managers.

### Roles and Responsibilities:

The Stormwater Program Manager is charged with being the primary point of contact for all matters related to watershed protection and stormwater management within Chatham Park. The Stormwater Program Manager shall have the following responsibilities:

1. To serve on the Chatham Park Development Review Committee and conduct preliminary reviews of all development plans within Chatham Park for consistency with the requirements of the Stormwater Standards prior to submittal of those development plans to the Town;
2. To assist the Town Stormwater Administrator with making determinations and interpretations of the requirements in the Stormwater Standards;
3. To periodically request that the Town Stormwater Administrator (and the Town Board, if required by this Element) approve revisions and/or updates to the Design Manual in response to changing science or industry standards, or as deemed necessary to better coordinate Chatham Park's commitment to protection of critical environmental resources as development occurs in Chatham Park; and
4. To produce and maintain records, maps, forms, and other documents related to the Stormwater Standards as required by this Element.
5. To act as a liaison between Town Stormwater Administrator and the POA.

### Section 3: Performance Standards:

Development and redevelopment in Chatham Park shall be designed to maintain compliance with the Stormwater Standards. Locations for documenting compliance with the applicable Stormwater Standards are described in Subsections A, B, and C of this Section 3.

Each proposed development plan shall show the SCMs and other information used, in whole or in part, to comply the requirements of this Element. Design standards for SCMs in or serving Chatham Park shall be governed by the Design Manual, which incorporates the Town of Pittsboro Design Manual, the NCDOT Stormwater Best Management Practices Toolbox, and the following Sections of the North Carolina Administrative Code ("NCAC"), including any subsequent revisions, additions, and replacements thereof: Sections 15A NCAC 02H.1050 through 02H.1062.

The following Water Quality, Nutrient, and Peak Flow Attenuation standards are part of the Stormwater Standards for Chatham Park.

#### A. Water Quality:

In accordance with the Town of Pittsboro's "Riparian Buffer Protection Ordinance" ("RBPO"), prior to entering a regulated buffer the concentrated stormwater runoff from developed areas in

Chatham Park resulting from the first one inch (1") of rainfall must be controlled and treated to remove 85% of the Total Suspended Solids (or be treated by one or more "Primary SCMs" or satisfy another standard as determined by NCDEQ). Structural and/or non-structural SCMs may be used to comply with this requirement, and the applicant shall be responsible for documenting that the SCMs have been sized properly and meet the applicable design standards described in the Design Manual.

Stormwater runoff must also meet the diffuse flow requirements of Section 7.E of the RBPO prior to flowing into or through a regulated buffer or comply with alternate standards for diffuse flow set forth by NCDEQ unless the alternate standards are disapproved by the Town Stormwater Administrator.

### B. Nutrients:

Nutrient loads shall not exceed the export rates established in the Stormwater Standards. Nutrient loading rates shall be calculated using methods described in the Design Manual. Any one or more of the following may be used to reduce the effective onsite nutrient loading rate: onsite SCMs; offsite SCMs; or mitigation credits obtained from mitigation banks approved by NCDEQ to sell mitigation credits within the Haw River watershed, or outside the Haw River watershed if there is no practical alternative within the Haw River watershed for meeting this condition. The use of offsite SCMs or mitigation credits from NCDEQ approved mitigation banks to meet target nutrient export rates shall be disclosed at the time of application for site plan or subdivision plan approval. The Stormwater Program Manager will maintain a record of mitigation credits applied to nutrient loads.

Unless otherwise required by applicable North Carolina laws: (i) nutrient loading rate calculations for nitrogen and phosphorous shall be computed and applied based on the total area within the boundary of Chatham Park; and (ii) nitrogen loading rate shall not exceed 3.8 pounds per acre per year and phosphorous loading rate shall not exceed 1.43 pounds per acre per year.

When a subdivision plan or site plan is submitted to the Town for approval, the Stormwater Program Manager will provide updated nitrogen and phosphorous loading rate calculations for the Chatham Park boundary and, for informational purposes only, for the applicable sub-watershed in which the proposed development is located

### C. Peak Flow Attenuation:

The peak rate of stormwater discharge from each sub-watershed during the 1-year, 2-year, 5-year, and 10-year 24-hour storm events shall not exceed the peak rate of discharge from that sub-watershed for the same storm events that existed prior to development occurring in that sub-watershed in Chatham Park. Compliance with peak flow standards shall be achieved at each "analysis point"<sup>4</sup> identified on the Watershed Map of Chatham Park.

---

<sup>4</sup> The term "analysis point" is defined in Section 6 of this Element.

Where concentrated stormwater flows resulting from development in Chatham Park leave the Chatham Park zoning boundary in a pipe or a channel that does not have a regulated buffer, the peak flow rate during the 1-yr 24 hour storm shall not exceed the pre-development peak flow rate at the same location during pre-development conditions. Additionally, flow shall be discharged at a non-erosive velocity and in a manner which minimizes, to the extent reasonably practicable, potential adverse impacts to downstream property and habitat during the 10-year 24 hour storm event.

In addition to the standards to be achieved at each analysis point, proposed developments within Chatham Park shall control peak flow onsite in a manner which meets both of the following criteria:

1. New points of concentrated discharge shall be designed with energy dissipation measures that reduce the peak velocity of discharged runoff during the 10-year 24 hour storm event to a non-erosive velocity; and
2. Where the peak rate of stormwater discharge, measured at each point where concentrated stormwater is discharged from a development site, increases by more than 10% over the peak rate of stormwater discharges anticipated during pre-development land conditions at the same location during the 1-year, 2-year, 5-year, or 10-year 24 hour storm events, the applicant shall document the impact from the increased flow rate on existing structures, channels, and conveyance systems downstream of the proposed development. Impacts include, but are not limited to system capacity, flow velocity, and flood levels. The Town Stormwater Administrator may require additional on-site SCMs to mitigate anticipated impacts to downstream conveyances or properties.

#### Exceptional Design Evaluation:

All sub-watersheds in Chatham Park shall achieve a minimum Exceptional Design Evaluation score as defined in the Design Manual. Sub-watershed compliance with the minimum score shall be documented at the time of development plan submittal for each proposed development within the applicable sub-watershed. Points proposed for measures to be employed during construction are subject to verification by the Town Stormwater Administrator upon completion of construction. Documentation shall not be required for sub-watersheds with no active development plans.

#### Section 4: Variances:

Variances from the Stormwater Standards may be requested pursuant to Section 308 of the Town's "Stormwater Management Ordinance for New Development and Redevelopment in the Jordan Lake Watershed", or equivalent section of other Town ordinances dealing with stormwater or variances (as applicable, the "Town Stormwater Ordinance").

## Section 5: Maintenance of SCMs:

**Private:** SCMs in Chatham Park shall be private and maintained by the POA, unless accepted for maintenance by the Town or other governmental entity. Upon acceptance of the maintenance obligation for any SCMs in Chatham Park by the Town or other governmental entity, the POA or other non-governmental entity previously responsible for maintenance of those SCMs thereafter shall have no responsibility for maintenance, inspection, repair, record keeping, reporting, or other requirement of this Element with respect to those SCMs. Unless otherwise specifically stated in this Section 5, the provisions of this Section 5 apply only to SCMs in Chatham Park that have not been accepted by the Town or other governmental entity.

**Function:** In order to maintain water quality performance and peak attenuation control, SCMs in Chatham Park shall be maintained substantially consistent with their original approved designs and shall operate as designed, except where changes in maintenance, design, or operation are approved by the Town Stormwater Administrator.

**Annual Maintenance and Inspection Report:** SCMs within Chatham Park shall be inspected annually by a qualified professional authorized under the Town Stormwater Ordinance or applicable State of North Carolina law or regulation. Documentation of each annual inspection shall be provided to the Town in a format approved by the Stormwater Program Manager and Town Stormwater Administrator. The costs associated with performing and documenting the annual inspections shall be funded by the POA. The Stormwater Program Manager shall be responsible for enforcing the annual inspection program for SCMs within Chatham Park, and shall collect and keep on file copies of the most recent five (5) inspection reports for each SCM, which may be kept in electronic and/or paper form. Each inspection report shall meet the requirements outlined in the Town Stormwater Ordinance. The Town Stormwater Administrator also shall have the right to enforce the annual inspection and reporting requirements of this Element.

**Annual Summary Report and Record Keeping:** On or before March 31 each year (unless the time for filing is extended by up to thirty (30) days by the Town Stormwater Administrator, or for such longer period as determined by the Town Board), the Stormwater Program Manager shall prepare and submit to the Town Stormwater Administrator a "SCMs Summary Report" for the previous calendar year, which may be submitted in paper and/or electronic form. At a minimum, the SCMs Summary Report shall include the following items:

1. The number of each type of SCMs used within Chatham Park;
2. An updated map showing the location of each SCM in Chatham Park that has been certified as a SCM by the Stormwater Program Manager or other registered professional engineer or landscape architect licensed in North Carolina, with specific knowledge of North Carolina stormwater practices, policies, and regulations, and that has been accepted by the POA;
3. Copies of the annual inspection reports.

4. A description of corrective actions taken to address any SCMs which failed an inspection, including the locations of those SCMs;
5. A summary of ongoing major repair activities at the time of the report and of major repair activities completed during the previous calendar year; and
6. A statement attesting to the completeness and accuracy of the SCMs Summary Report signed and sealed by the Stormwater Program Manager.

Town staff shall have the right to perform audits of the inspection and maintenance records to determine compliance with the Stormwater Standards. The Town, at Town expense, may conduct independent inspections of SCMs within Chatham Park.

**Operation and Maintenance of SCMs:** The POA shall be responsible for operation, administration, and maintenance of SCMs within Chatham Park, and the costs thereof shall be funded by the owners of lots in Chatham Park through assessments paid to the POA in the manner required by applicable restrictive covenants or other document recorded in the office of the Register of Deeds for Chatham County, North Carolina.

**Master SCMs O&M Agreement (applicable to all SCMs in Chatham Park):** The Town and the POA shall enter into a "Master SCMs Operations and Maintenance Agreement" (also referred to herein as "Master SCMs O&M Agreement), to be approved by the Town Board, to address operation and maintenance of all types of SCMs in Chatham Park. This Master SCMs O&M Agreement may be amended from time to time as recommended by the Stormwater Program Manager or Town Stormwater Administrator and approved by the Town Board or otherwise approved if required by applicable Town ordinances.

**Supplemental SCMs Agreement (applicable to all SCMs in Chatham Park):** In addition to the Master SCMs O&M Agreement", each of the SCMs in Chatham Park shall be subject to a "Supplemental SCMs Agreement" that provides the following information with respect to the SCMs subject thereto:

- The number, type, and location of the SCMs.
- Book and Page of a map recorded in the office of the Register of Deeds for Chatham County, North Carolina that shows the location of the SCMs and/or the location of easements that provide access to the SCMs from a publicly dedicated street right of way, which map may be recorded contemporaneously with the recording of the Supplemental SCMs Agreement.
- The person or legal entity responsible for construction or installation of the SCMs.
- Additional information deemed to be necessary by the Town Stormwater Administrator and Stormwater Program Manager.

Each Supplemental SCMs Agreement shall be signed by the person or legal entity responsible for construction or installation of the SCMs subject to the Supplemental SCMs Agreement and by the Town Stormwater Administrator or other person designated by the Town. Each Supplemental SCMs Agreement shall be recorded in the office of the Register of Deeds for Chatham County, North Carolina, at the expense of the person or legal entity responsible for



construction or installation of the SCMs, prior to the issuance of a certificate of occupancy for any property in Chatham Park that is served by any of the SCMs subject to that Supplemental SCMs Agreement.

**SCMs Access:** All SCMs in Chatham Park shall be accessible either directly from a public street right of way or over an access easement to the Town shown on a plat or other map recorded in the office of the Register of Deeds for Chatham County, North Carolina. The Stormwater Program Manager shall maintain one or more maps showing the locations of all SCMs that have been certified as SCMs in accordance with the provisions of this Element and the location of all easements providing access to the SCMs in Chatham Park, and, on or before March 31 of each year, shall provide a copy of the most recently updated map to the Town Stormwater Administrator.

**Maintenance Security:** To ensure long term operation of SCMs in Chatham Park, the POA will establish and maintain a perpetual escrow account for major repairs ("Escrow Account"), the monies in which may be used only for major repair, reconstruction, and/or replacement of SCMs in Chatham Park for which the POA has the maintenance obligation. A "major repair" is a repair to be paid for by funds in the Escrow Account, as determined by the Stormwater Program Manager and the Town Stormwater Administrator, or, if they are unable to agree as to what constitutes a major repair, as determined by the Board. An amount equal to 15% of the original construction costs of each such SCM (the "Escrow Amount"), including SCMs located in public street rights of way, shall be deposited into the Escrow Account by the developer and/or owners of the lot(s) or development parcel(s) that are served by that SCM, in accordance with the following schedule: (i) not less than fifty percent (50%) of the Escrow Amount shall be deposited into the Escrow Account prior to issuance of the first certificate of occupancy for improvements on those lot(s) or development parcel(s) served by the SCM; and (ii) the balance of the Escrow Amount shall be deposited into the Escrow Account on or before the date that is five (5) years immediately following the date of issuance of the first certificate of occupancy for improvements on the lot(s) or development parcel(s) served by the SCM, with not less than one-fifth (1/5) of such balance being deposited on or before the end of each year of the five (5) year period. To establish the obligation for initial funding of the Escrow Account for SCMs located in public street rights of way, the Stormwater Program Manager shall determine the lot(s) or development parcel(s) that are served by those SCMs. Funds may be disbursed from the Escrow Account only for major repair, reconstruction, and/or replacement of SCMs, including payment of associated engineering and surveying fees and administrative costs. No funds from the Escrow Account shall be used to pay for inspection and minor maintenance of any SCMs or for inspection and reporting requirements, other than inspection and reporting that is required for the implementation of a major repair, reconstruction, and/or replacement of any SCMs in Chatham Park.

Funds disbursed from the Escrow Account for the implementation of a major repair, reconstruction, and/or replacement of a SCM shall be replaced within five (5) years following the end of the calendar year in which the disbursement is made by payment of assessments to the

POA by the owners of all lots and development parcels in Chatham Park that are in the same sub-watershed in which the SCMs is located, except for owners of lots and development parcels that are exempt from such assessments under applicable restrictive covenants. Not less than one-fifth (1/5) of the amount of such replacement funds shall be deposited on or before the end of each calendar year of the five (5) year period. On or before March 31 each year, the POA shall provide a report to the Town Stormwater Administrator documenting all receipts in and disbursements from the Escrow Account for the immediately preceding calendar year, the balance in the Escrow Account as of December 31 of the immediately preceding calendar year, and the proposed time period for returning the balance in the Escrow Account to the required minimum amount.

With respect to any deficiency in funding of the Escrow Account:

(1) the Town may bring an action against the POA and/or the person or legal entity who has failed to satisfy a funding obligation to recover the deficiency and the costs of the action, including reasonable attorneys' fees; and

(2) In addition, the Town may file a lien on the properties in Chatham Park owned by the person or legal entity who has failed to satisfy a funding obligation for the amount of the deficiency and may foreclose on such lien in accordance with North Carolina laws applicable to judicial foreclosures. Any such lien shall be filed in the office of the Chatham County Clerk of Court and shall describe with reasonable certainty the amount of the deficiency, the developer and/or owners liable for payment of the deficiency, and the type and location of the particular SCMs associated with the deficiency. Funds recovered through any judicial foreclosure process, less the reasonable costs of recovering such funds, including reasonable attorneys' fees, shall be paid into the Escrow Account.

### Section 6: Watershed Map:

The Stormwater Program Manager shall maintain a map showing all sub-watersheds in Chatham Park that have been delineated by the Stormwater Program Manager and approved by the Town Stormwater Administrator (the "Watershed Map"). The Watershed Map may consist of one or more maps, tables, documents, and other supporting data. The Stormwater Program Manager shall update the Watershed Map annually to provide the information required by this Element and file a copy of the updated Watershed Map with the Town Stormwater Administrator.

The Watershed Map will include not less than all of the following with respect to each sub-watershed in Chatham Park: topography information; aerial photography from Chatham County GIS or other source reasonably deemed satisfactory by the Town Stormwater Administrator; sub-watershed names or numbers and approximate boundaries thereof; analysis point locations; WSIV-CA critical water supply watershed areas; and a summary of the computed exceptional design evaluation score and minimum required exceptional design evaluation score.

Each "analysis point" shown on the Watershed Map serves as a compliance point for applicable Stormwater Standards. Each analysis point is located at the most downstream point of its

respective sub-watershed or applicable portion thereof. Each analysis point shown on the Watershed Map shall meet one of the following criteria:

1. A location where a stream in a regulated buffer flows to property outside of the boundary of Chatham Park PDD; or

2. For sub-watersheds that are greater than 150 acres in size, one or more analysis points within that sub-watershed shall be added at the request of the Town Stormwater Administrator, subject to the following:

a. Each additional analysis point shall be on a perennial stream within the sub-watershed.

b. The land area draining to the additional analysis point shall not be less than 50 acres in size.

c. The location of the additional analysis point shall be as agreed by the Town Stormwater Administrator and the Stormwater Program Manager or, if they cannot agree on the location, as determined by the Town Board.

Analysis points may be used as regional points of compliance when documenting adherence to the Stormwater Standards.

### Section 7: Chatham Park Stormwater Design Manual:

The Design Manual shall include technical design standards, calculation methodology, watershed/sub-watershed evaluation criteria, and maintenance standards for SCMs within Chatham Park. The Design Manual is attached to this Element as “Attachment 1”. The criteria, information, specifications, and technical standards in the Design Manual shall serve as the basis for documenting compliance with the requirements of the Stormwater Standards.

The Design Manual also shall include the following:

1. A description of the SCMs approved for use in Chatham Park, which include, without limitation, all of the following: SCMs described in the Town of Pittsboro Design Manual, SCMs described in Sections 15A NCAC 02H.1050 through 02H.1062, including any subsequent revisions, additions, and replacements thereof; and, for NCDOT roadways in Chatham Park, SCMs described in the North Carolina Department of Transportation (“NCDOT”) Stormwater Best Management Practices Toolbox;
2. Items required to be included with a submittal of an Application for Stormwater Discharge Permit in the form included in the Design Manual;
3. Documentation and standards for the Exceptional Design Evaluation defined in Section 8 of this Element;
4. Forms used to document compliance with the Stormwater Standards; and
5. Standards for operation, periodic inspection, and maintenance of SCMs in Chatham Park.

The Design Manual, including all applicable appendices, may be revised and/or updated from time to time as deemed necessary by the Stormwater Program Manager and the Town Stormwater Administrator, and shall be periodically revised and/or updated to maintain consistency with applicable State of North Carolina laws and regulations. Provided, the following revisions and updates are subject to Town Board approval: (i) all revisions to the points assigned under the Exceptional Design Evaluation scoring system; and (ii) revisions or updates requested by either the Stormwater Program Manager or the Town Stormwater Administrator not agreed to by the other party, in which event either party may request the Town Board to determine whether to approve the revisions or updates.

### Section 8: Exceptional Design:

In addition to the minimum stormwater performance standards outlined in the Master Plan and applicable Town regulations, each development project in Chatham Park will be designed to uphold the commitment to exceptional design for protection of critical environmental resources. Each sub-watershed has one minimum required evaluation score, which is a weighted average computed using the percentage of the sub-watershed located within each of the following three (3) zones:

Zone 1 – within 1,000 feet of the top of bank of the Haw River

Zone 2 – between 1,000 feet and 2,000 feet from the top of bank of the Haw River

Zone 3 – greater than 2,000 feet from the top of bank of the Haw River

The minimum required evaluation score for each zone is as follows, and shall be calculated as provided in the Design Manual:

Zone 1 – 130 points

Zone 2 – 125 points

Zone 3 – 120 points

The Design Manual shall include an explanation of the "Exceptional Design Evaluation" for development projects in Chatham Park, which shall quantify through a scoring system the balance between impacts to critical environmental resources and environmental uplift measures deployed within the built environment. The Design Manual shall include a template for submitting data needed by the Stormwater Program Manager to complete the evaluation for each sub-watershed shown on the Watershed Map. The forms and templates required by the Design Manual may be modified from time to time as determined by the Stormwater Program Manager and the Town Stormwater Administrator.

For each development plan in Chatham Park, a completed Exceptional Design Evaluation worksheet shall be submitted to the Stormwater Program Manager for review and comment prior to submission of such development plan to the Town. The Stormwater Program Manager shall

document and update the evaluation score for each applicable sub-watershed upon receipt of the Exceptional Design Evaluation worksheet and shall provide a copy of such documentation and update of applicable sub-watershed scores to the development plan applicant and Town Stormwater Administrator. Not less than the required minimum evaluation score, calculated using methods described in the Design Manual, shall be maintained at all times in each sub-watershed. The Town can require submittal of an updated sub-watershed score when construction inspections or as-built documents show significant deviations from the approved development plan. If a development would result in a sub-watershed score below the required minimum evaluation score, or if the updated sub-watershed score from a post-construction recalculation results in a sub-watershed score less than the required minimum evaluation score, the Town can deny or delay issuance of a certificate of occupancy for that development and/or approval of additional development plans and issuance of permits within that sub-watershed until a mitigation plan for bringing the sub-watershed back into compliance with the minimum evaluation score has been approved by the Town Stormwater Administrator.

### Section 9: Public Facilities:

For the purposes of this Element, the term "Public Facilities" refers to those types of facilities identified as public facilities in the Master Public Facilities Plan Additional Element. If, at the time that a site plan for any Public Facilities is submitted to the Town, the Exceptional Design Evaluation score for the sub-watershed in which the proposed Public Facilities is located is less than 125, the applicant or the Chatham Park Development Review Committee can elect to exclude the proposed Public Facilities from the requirements of the Stormwater Element and Design Manual and to require that on-site SCMs be provided for the proposed Public Facilities that meets all requirements of the Town and all other applicable governmental entities. The election to exclude the proposed Public Facilities from the requirements of the Stormwater Element and Design Manual must be in writing and delivered to the Town Stormwater Administrator prior to approval by the Town of the site plan for the proposed Public Facilities, and the Town Stormwater Administrator shall provide copies of the election to the Stormwater Program Manager. If the proposed Public Facilities are excluded from the requirements of the Stormwater Element and Design Manual, the property on which the proposed Public Facilities is located shall be excluded from the sub-watershed for the purposes of calculating the Exceptional Design Evaluation score for that sub-watershed and compliance with the Stormwater Element and the Design Manual.