



## ATTACHMENT 3



TOWN OF CHAPEL HILL  
306 NORTH COLUMBIA STREET  
CHAPEL HILL, NC 27516-2124  
(919) 968-2728

ORANGE COUNTY

NORTH CAROLINA

### SPECIAL USE PERMIT MODIFICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Orange Water and Sewer Authority, having applied to the Town of Chapel Hill for a Special Use Permit Modification for the use and development of the property hereinafter described, the same was issued by the Town of Chapel Hill on March 1, 2004, the terms of which are as follows:

NAME OF PROJECT: OWASA Mason Farm Wastewater Treatment Plant Expansion

NAME OF DEVELOPER: Orange Water and Sewer Authority

### DESCRIPTION OF PREMISE

LOCATION: 100 Old Mason Farm Road

TAX MAP REFERENCE: Chapel Hill Township Tax Map 66, Lot 9A (PIN# 9798-21-3071)

### DESCRIPTION OF DEVELOPMENT

Total # of Buildings:	7
Maximum Floor Area:	80,680 s.f
Minimum # of Bicycle Parking Spaces:	2

### SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated January 29, 2004 (on file at the Chapel Hill Planning Department), and according to the special terms and conditions set forth below:

1. Modification of the dimensional regulations in Section 3.6.3-3 of the Land Use Management Ordinance, to allow a maximum of 80,680 square feet of floor area in the Resource Conservation District.
2. Modification of the dimensional regulations in Section 3.6.3-3 of the Land Use Management Ordinance, to allow a maximum of 368,000 square feet of impervious surface in the Resource Conservation District.
3. Modification of the standards in Section 3.6.3(g)(1) of the Land Use Management Ordinance to allow the lowest floor elevation to be less than eighteen (18) inches above the Resource conservation District elevation.
4. Modification of the grading regulations in Section 3.6.3(g)(9) of the Land Use Management Ordinance, to allow the applicant to increase the flow velocity more than one foot per second and increase the base flood elevation more than one half foot.
5. Modification of the stream buffers requirements for the Watershed Protection District in Section 3.6.4(f)(1) of the Land Use Management Ordinance to waive the 30-foot required buffer, on those portions of the site where protective barriers for flood control currently exist in these areas.
6. Modification of the landscape buffer requirements in Section 5.6.6 of the Land Use Management Ordinance to waive the 20-foot wide required buffer, on those portions of the site where protective barriers for flood control currently exist in these areas.
7. Modification of the stormwater management performance criteria in Section 5.4.6(a-c) of the Land Use Management Ordinance for the treatment of stormwater (a) quality, (b) volume, and (c) rate to exceed the post-development performance criteria.

Stipulations Specific to the Development

1. That construction begins by March 1, 2006 (2 years from the date of approval) and is completed by March 1, 2014, 10 years from the date of approval). OWASA shall use its best efforts to meet the time table for construction as shown on page 3 of the February 16, 2004 letter from Ed Kerwin, OWASA Executive Director, to W. Calvin Horton, Town Manager (Subject: Supplemental Information on OWASA's Odor Abatement Program), a copy of which letter is on file in the office of the Chapel Hill Town Clerk.
2. Relationship to 1981 Special Use Permit: This authorization is intended supercede the original Special Use Permit, approved by the Town Council, April 13, 1981, recorded June 30, 1981, in deed book 366, page 440 of the Orange County Register of Deeds.
3. Land Use Intensity: This Special Use Permit Modification authorizes the land use intensity requirements as specified below:

Land Use Intensity	OWASA Mason Farm Wastewater Treatment Plant
Net Land Area	1,112,772 s.f.
Total # of Buildings	7 (5 existing, 2 new)
Total Other Structures (Treatment Plant Infrastructure)	24 (19 existing, 5 new)
Maximum Floor Area	80,680 s.f.
Minimum # of Parking Spaces	No Change
Minimum # of Bicycle Spaces	2

4. Offsite Odor Elimination Monitoring and Annual Report: That OWASA shall present an annual report to the Town Council regarding progress in meeting their offsite odor elimination goal to report on progress during construction, and to report on maintenance and the continuing efficacy of the program post-construction. The Town Council may reduce the frequency or end the annual report requirement at such time as it determines reasonable.
5. Offsite Odor Elimination Public Forum: That OWASA shall address their offsite odor elimination goal in a Public Forum, scheduled and conducted by the Town Council, to be held no later than November, 2005, the projected completion of improvements related to odor elimination, or upon completion of the construction work on the digesters, whichever is later. The applicant shall report either it has achieved the goal of offsite odor elimination or has not achieved offsite odor elimination. The Town Council shall make a finding based on information submitted at the Forum. If the Council finds that the goal of off-site odor elimination has been attained, OWASA will not be required to perform additional odor control work.  
  
If the Council finds that the goal of off-site odor elimination has not been attained, then the Council shall direct OWASA to perform such additional work OWASA determines is necessary to eliminate off-site odor and the Council shall establish such reporting requirements as it deems reasonable. OWASA agrees to perform such work as may be necessary to eliminate off-site odor to the satisfaction of the Council.
6. Odor Elimination Construction Schedule Reporting: That the applicant shall report on the progress of the proposed odor elimination construction completion date of November, 2005 as part of the annual report on the Mason Farm wastewater treatment plant to be submitted in January of each year. The applicant shall present an action plan if it projects not meeting the proposed construction completion date of November 2005, to be approved by the Town Council.

Stipulations Related to Access and Circulation

7. Transportation Management Plan: That the applicant provide a Transportation Management Plan to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The required components of the Transportation Management Plan shall include:
  - a) Provision for designation of a Transportation Coordinator;
  - b) Provision for an annual Transportation Survey and Annual Report to the Town Manager;
  - c) Quantifiable traffic reduction goals and objectives;
  - d) Ridesharing incentives; and
  - e) Public transit incentives.

The plan shall be updated and approved annually by the Town Manager.

8. Bicycle Parking: That the development shall provide 2 Class II bicycle parking spaces.

Stipulations Related to Landscape and Architectural Elements

9. Required Landscape Bufferyard: That the following landscape buffers are required, unless modified as noted above:

Bufferyards	
Location of Bufferyard	Required Bufferyards*
Northern boundary of site towards Mason Farm Road	Minimum 20' Type "C" Buffer
Eastern boundary of site towards Morgan Creek	Minimum 20' Type "C" Buffer
Southern boundary of site towards Morgan Creek bypass channel	Minimum 20' Type "C" Buffer
Western boundary of site towards Morgan Creek	Minimum 20' Type "C" Buffer

\*Since site is in the Watershed Protection District 30' wide buffers are required along the stream channels on the periphery of the property. These may in some cases supercede the required bufferyards above.

10. Landscape Protection Plan: That a detailed landscape protection plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include a detail of protective fencing; and construction parking and materials staging/storage areas. This plan shall also indicate which labeled trees are proposed to be removed and where tree protection fencing will be installed.
11. Landscape Plan Approval: That detailed landscape plans (including buffers), landscape maintenance plans, and parking lot shading requirements be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That the landscape plan shall indicate the size, type, and location of all proposed plantings.
12. Landscape Buffer Replacement: That any existing landscaped buffer trees that are removed or damaged during construction shall be replaced post-construction, to be approved by the Town Manager.
13. Community Design Commission Approval: That the Community Design Commission shall review and approved details for all building elevation details, lighting plans, and alternative buffers, prior to the issuance of a Zoning Compliance Permit. CDC comments regarding design and color shall be provided in a timely manner so that they can be considered in the final design and purchase of construction materials. Zoning Compliance Permit(s) may be issued for construction phase(s) that are not specifically for structures, lighting fixtures, and alternative buffers. Special consideration shall be given to visual impact of the Mason Farm plant with particular attention paid to building material and paint colors.

#### Stipulations Related To Stormwater Management

14. Stormwater Management Plan: That a Stormwater Management Plan shall be approved the Town Manager prior to issuance of a Zoning Compliance Permit. That the applicant shall meet the requirements of Section 5.4.6 (a-c) of the Land Use Management Ordinance regulations, to the extent practicable, regarding stormwater quality, volume and rate, as reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
15. Stream Buffer Requirements: That Section 3.6.4(f)(1) of the Land Use Management Ordinance be waived, which would otherwise require a 30-foot wide stream buffer in the Watershed Protection District, on those portions adjacent to Morgan Creek where protective barriers for flood control existed prior to the 1993 North Carolina Statute creating the Watershed Protection District. Final approval subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
16. Operations and Maintenance Plans: That an Operations and Maintenance Plan for all engineered stormwater control structures shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
17. Performance Guarantee: That if more than one acre of land is disturbed, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities.

#### Stipulations Related to Utilities

18. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority (OWASA), Duke Power Company, BellSouth, Public Service Company, Time/Warner Cable and the Town Manager before issuance of a Zoning Compliance Permit. That the final plans demonstrate there is no conflict between utility lines, easements, and other site elements.
19. Utility Lines: That except for existing 3-phase electric utility lines, all new or relocated utility lines shall be installed underground and shall be indicated on final plans.

#### Stipulations Related to Fire Protection/Fire Safety

20. Fire Flow: That a fire flow report prepared by a registered professional engineer and demonstrating compliance with the provisions of the Design Manual be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
21. Fire Department Connection and Fire Hydrant: That the final proposed location for all fire department connections and the location and number of new fire hydrants shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

#### Miscellaneous Stipulations

22. Off-Site Easements: That all necessary off-site utility, construction, access, maintenance, or other easements, if required, shall be obtained and a recorded copy of such easements shall be submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.
23. Detailed Plans: That the final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), and landscape plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans shall conform to the plans approved by this application and demonstrate compliance with all applicable conditions and design standards of the Land Use Management Ordinance and Design Manual.
24. Erosion Control: That a soil erosion and sedimentation control plan be approved by the North Carolina Department of Environment, Health and Natural Resources and a copy of the approval be submitted to the Town Manager prior to issuance of a Zoning Compliance Permit.
25. Encroachment Agreements: That any required State or Federal permits or encroachment agreements be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
26. Silt Control: That the developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
27. Construction Sign Required: That the developer shall post a construction sign that lists the property owner's representative, with a telephone number; the contractor's representative, with a telephone number; and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit. The construction sign may have a maximum of 32 square feet of display

area and may not exceed 8 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.

28. Noise: OWASA shall take action immediately to demonstrate compliance with the Noise Ordinance and shall consider such additional noise reduction measures as it determines useful.
29. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
30. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

Prepared By: Phil Mason, Senior Planner, Chapel Hill Planning Department

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