

**From:** [Brent Gatlin](#)  
**To:** [J. Leslie Bell](#)  
**Subject:** Fwd: [External] Guilford County - Proposed Text Amendment on Density Averaging  
**Date:** Wednesday, June 12, 2024 4:30:06 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.jpg](#)  
[image502029.jpg](#)

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FYI

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**Brent Gatlin, PE, CFM, LEED AP**  
**Watershed-Stormwater Engineer**

**Planning & Development Dept**

336-641-3753 | m: 336-402-4353

[kgatlin@guilfordcountync.gov](mailto:kgatlin@guilfordcountync.gov)



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**From:** Clark, Paul <[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)>  
**Sent:** Wednesday, June 12, 2024 11:41:18 AM  
**To:** Brent Gatlin <[kgatlin@guilfordcountync.gov](mailto:kgatlin@guilfordcountync.gov)>  
**Subject:** RE: [External] Guilford County - Proposed Text Amendment on Density Averaging

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Brent,

Hi. Thanks for your patience as we internally discussed this situation. There are (at least) two different parts to the density averaging process. One part pertains to the density averaging mathematical calculation. If owner B lot (10 acres) wants to donate to owner A lot (10 acres), so that now owner A has 20 acres with which to calculate project density, there is no mathematical problem with using the entire 10 acre owner B lot (even if there are buffers, conservation easements, etc. on owner lot B). Potential problem occurs when one records with metes and bounds the area restricted to development on owner B lot. If owner lot B already has a conservation easement and/or water quality buffer on it, it is already restricted. How does one put a metes and bounds restriction on property that is already restricted??? Is it legal to 'double' restrict

a piece of property??

This could work if owner lot B did not donate entire property. Then the property could theoretically include one metes and bounds for density averaging area, another metes and bounds for conservation easement and maybe a third metes and bounds for buffer???

I plan to modify the powerpoint presentation to better explain this situation as I did in this email. This may be more of a local issue because maybe local governments allow 'double' restrictions????

Finally, if I understand the latest email message, Guilford Co decided to remove the item regarding public lands, but NOT add ...

"A Dedicated Drainageway & Open Space Area, Drainageway & Open Space Easement, Conservation Easement, Water Quality Conservation Easement, Open Space, or other land required to remain undeveloped for watershed protection shall not be utilized for development density via Density Averaging;"

[NCGS 143-214.5](#) (d2) does not specifically prohibit parcels containing above mentioned items from being used in density averaging. Thus, I don't have a problem with not including yellow highlighted language. I would be curious to know how Guilford County will handle the metes and bounds recording on the donating lot when there are other restrictions on the parcel.

Please contact me with questions, concerns, etc. thx.

Paul Clark  
Water Supply Watershed Protection Coordinator  
Stormwater Program  
Division of Energy, Mineral, and Land Resources  
Department of Environmental Quality  
(919) 707-3642  
[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)

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**From:** Brent Gatlin <[kgatlin@guilfordcountync.gov](mailto:kgatlin@guilfordcountync.gov)>

**Sent:** Monday, June 10, 2024 4:01 PM

**To:** Clark, Paul <[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)>

**Subject:** RE: [External] Guilford County - Proposed Text Amendment on Density Averaging

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Thank You Paul. The main County goal for the amendment is to delete from our ordinance the prohibition on the use of publicly held property for density averaging purposes. The P&D Dept director and County Attorney's office have reviewed and discussed the highlighted language (e.g. Dedicated Drainageway & Open Space text), and they have decided to remove the highlighted text with consideration this is text is not reflected in the G.S., NCAC or the model WSW ordinance to our knowledge.

However, if DEQ provides feedback / justification that the highlighted language is required/needed, then we can add it back to the amendment, or if the amendment has already been adopted then we can do a new text amendment to incorporate DEQ's final feedback.

I hope that makes sense. Please call me if you have any questions.



**Brent Gatlin, PE, CFM, LEED AP**  
Watershed-Stormwater Engineer  
Planning & Development Dept

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**From:** Clark, Paul <[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)>

**Sent:** Monday, June 10, 2024 3:11 PM

**To:** Brent Gatlin <[kgatlin@guilfordcountync.gov](mailto:kgatlin@guilfordcountync.gov)>

**Subject:** RE: [External] Guilford County - Proposed Text Amendment on Density Averaging

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Brent,

Hi. We plan to have our followup density averaging – buffer discussion this Wed, so yes, we hope to reach consensus and that may impact my response to your request for comment on the proposed

amendment. Thx for your patience.

Paul Clark  
Water Supply Watershed Protection Coordinator  
Stormwater Program  
Division of Energy, Mineral, and Land Resources  
Department of Environmental Quality  
(919) 707-3642  
[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)

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**From:** Brent Gatlin <[kgatlin@guilfordcountync.gov](mailto:kgatlin@guilfordcountync.gov)>  
**Sent:** Monday, June 10, 2024 1:34 PM  
**To:** Clark, Paul <[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)>  
**Subject:** RE: [External] Guilford County - Proposed Text Amendment on Density Averaging

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Paul,  
Would you be able to have feedback on this by Wednesday?



**Brent Gatlin, PE, CFM, LEED AP**  
**Watershed-Stormwater Engineer**  
**Planning & Development Dept**

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**From:** Brent Gatlin  
**Sent:** Monday, June 10, 2024 8:30 AM  
**To:** Clark, Paul <[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)>

**Subject:** RE: [External] Guilford County - Proposed Text Amendment on Density Averaging

Thanks Paul, congrats on the new position. Please let us know who our WSW point of contact will be moving forward once known.

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**From:** Clark, Paul <[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)>

**Sent:** Thursday, June 6, 2024 3:26 PM

**To:** Brent Gatlin <[kgatlin@guilfordcountync.gov](mailto:kgatlin@guilfordcountync.gov)>

**Subject:** RE: [External] Guilford County - Proposed Text Amendment on Density Averaging

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Brent,

Hi. Thanks for sharing the information. I will review and get back to you after Doug Ansel, Mike Lawyer and I have our followup discussion. Please see next item.

FYI01. Thank you again for raising the buffer within parcel density averaging question. Doug Ansel, Mike Lawyer and I had a good discussion a few days ago, but we need to have a followup discussion next week to get final resolution. I will keep you posted.

FYI 02. I will be sending something to all water supply watershed protection contacts that I maintain, but I will be taking another DEQ position. My last day with stormwater will be 6/17. I am trying to wrap up as many items as possible prior to my leaving. It has been great working with you these past few years. Thx.

Paul Clark

Water Supply Watershed Protection Coordinator

Stormwater Program

Division of Energy, Mineral, and Land Resources

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**From:** Brent Gatlin <[kgatlin@guilfordcountync.gov](mailto:kgatlin@guilfordcountync.gov)>  
**Sent:** Wednesday, June 5, 2024 3:51 PM  
**To:** Clark, Paul <[paul.clark@deq.nc.gov](mailto:paul.clark@deq.nc.gov)>  
**Subject:** [External] Guilford County - Proposed Text Amendment on Density Averaging

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Paul,  
Attached is proposed text amendment to our UDO section on Density Averaging to remove the current requirement stating neither of the lots can be publicly held land. Can you please review and verify this amendment looks OK?

Also attached is existing UDO section on Density Averaging for reference (UDO as of 2020.11.19).

The proposed text amendment currently keeps the requirement that areas like a “Dedicated Drainageway & Open Space Area” cannot be utilized in density averaging similar to the slide 28 of the powerpoint you had provided. Based on the General Statutes text, we do not see anything that actually prohibits the use of areas like this for purposes of Density Averaging, aside from the PowerPoint. There has already been some push-back from TREBIC regarding the text we’re currently keeping in the amendment. It does seem like owners should be able to utilize these areas for Density Averaging Purpose if these areas have not already been allocated for Project Density either on-site or elsewhere. Can you please provide G.S. or NCAC section that prohibits use of areas like this in Density Averaging? If this is not defined in G.S. or NCAC, then I think we would like DEQ to reconsider use of these areas for Density Averaging purposes with the understanding these areas can already be used for Project Density purposes for a single site.

Thank You,  
Brent



**Brent Gatlin, PE, CFM, LEED AP**  
**Watershed-Stormwater Engineer**  
**Planning & Development Dept**

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