Energy, Mineral
and Land Resources
ENVIRONMENTAL QUALITY

February 20, 2019

To:     Water Supply Watershed Program (WSWP) Administrators

From:   Annette Lucas, Stormwater Program Supervisor

Cc:     DEQ Regional Offices

**Re:    Clarification on Density Averaging**

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Density averaging, also known as built upon area averaging, is a common practice in water supply watershed protection.  The purpose of this memo is to clarify the implementation of density averaging implemented in accordance with G.S. §143-214.5(d2).  While not specifically addressed in the statute, the requirements do allow for density averaging utilizing previously developed parcels, but only when all provisions of G.S. §143-214.5(d2)(1) – (8) are met.

The local government ordinance must clearly define how density averaging will be documented and tracked to ensure that all requirements for both the donor parcel(s) and the recipient parcel are publicly recorded and are irrevocable in perpetuity.  The ordinance must also provide a standard enforcement protocol for parcel owners that violate the conditions of a special use permit/certificate issued for density averaging.

When using density averaging, WSWP administrators should try to remember the overall potential effect density averaging may have on certain areas of the watershed.   For example, if several parcels in one area donated their 'extra' pervious areas to parcels in another area, this could result in one area of the watershed having relatively higher densities and a greater amount of impervious surface.  The potential for adverse impacts to water quality could be greater in the area with greater impervious surface.  The state is willing and able to answer questions or concerns not only about program specifics, but also about these larger watershed water quality issues as well.

Any questions may be directed to Paul Clark, Water Supply Watershed Coordinator at paul.clark@ncdenr.gov or (919) 707-3642.