

CHATHAM COUNTY PLANNING BOARD
MINUTES
June 1, 2010

The Chatham County Planning Board met in regular session on the above date in the classroom of the Henry H. Dunlap Building in Pittsboro, North Carolina. Members present were as follows:

Present:

James Elza, Chair
B.J. Copeland, Vice - Chair
Karl Ernst
Barbara Ford
Judy Harrelson
Jim Hinkley
Susan Levy
Bill Sommers
Delcencia Turner

Absent

Warren Glick
Timothy Keim

Planning Division:

Jason Sullivan, Planning Director
Lynn Richardson, Subdivision Administrator
Kay Everage, Clerk to the Board

Others Present

Tom Glendinning
Parliamentarian to the Board

- I. CALL TO ORDER: Chair Elza called the meeting to order at 6:32 p.m.
- II. DETERMINATION OF QUORUM: The clerk stated that a quorum was present.
- III. APPROVAL OF AGENDA: Mr. Copeland made a motion; seconded by Ms. Turner to approve the agenda as submitted. There was no discussion and the motion passed unanimously.
- IV. APPROVAL OF CONSENT AGENDA:
 - A. Minutes: Consideration of a request for approval of the May 3, 2010 Planning Board minutes.

There was some Board discussion regarding interpretation of existing Planning Board Bylaws and Robert's Rules of Order addressed in the minutes as follows:

- Page 32, Item X. Board Members Items, 2. Abstention
 - 1) a. - It is the right of a member to express their opinion (this includes by abstaining);
 - 2) e. - Changing one's vote – someone may change their vote with Board approval to do so – unless in Bylaws, Board determines rules.

Following discussion, Mr. Hinkley made a motion; seconded by Ms. Levy to approve the consent agenda as submitted (consisting of the May 3, 2010 Planning Board minutes). There was no further discussion and the motion passed unanimously.

- V. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not** on agenda. Speakers limited to three minutes each.

There were no requests to speak at this time.

VI. CHATHAM CONSERVATION PLAN:

A. Presentation by Allison Weakley, Biologist/Ecologist

Ms. Weakley gave a PowerPoint presentation entitled, "A Conservation Plan for Chatham County". Some specifics noted were:

The Conservation Plan for Chatham County will develop a process for assembling and synthesizing conservation data and information for interpretation and public use in local, regional and statewide decision making. The Plan will also present a strategic approach to integrate conservation science, landscape ecology, environmental data, and plans into a decision support tool for community action. Consequently, this Plan will enhance the understanding of conservation issues and priorities, and help the county, along with local, state and federal stakeholders, including landowners, to take action to influence land use and policy decisions and maximize conservation value.

This project is being completed on behalf of the Chatham Conservation Partnership (CCP). The mission of the CCP is to develop and implement strategies for a community conservation vision that builds awareness, protection and stewardship of Chatham County's natural resources. The CCP consists of over 50 organizations and participants, including federal, state, and local government agencies, non-profits, business owners, developers, farmers and other landowners. In 2007, a Memorandum of Understanding was signed and included Chatham County BOC, Planning Department, Parks and Recreation Department, Environmental Review Board, NC Cooperative Extension, Chatham Soil and Water Conservation, and many others. The Conservation Plan is being developed on behalf of the CCP with all funding being received from private foundation and state and national grants.

Funding for the Conservation Plan is through the following grants (administered by Triangle Land Conservancy and the Piedmont Conservation Council):

- Z. Smith Reynolds Foundation
- NC Wildlife Action Grant Program
- NC Urban and Community Forestry Grant Program

Goals of the Conservation Plan include:

- Develop a community vision for natural resources
- Promote greater understanding and awareness of the importance and location of natural resources
- Highlight the economic importance of forest resources for timber, recreation and water quality

- Increase knowledge of impacts and threats to important natural resources
- Provide strategies to manage and protect natural resources

Project Overview

This project began in October 2009 and is estimated to be completed by October 2010. The project includes the following overall components:

COMPILATION AND SYNTHESIS OF DATA AND INFORMATION: The best-available existing conservation and land use data, conservation science, plans, policies and ordinances relative to conservation planning in Chatham County is being compiled and synthesized into one Plan document to provide easy reference.

ENVIRONMENTAL RESOURCE DATABASE: The best-available existing GIS data will be included in an environmental resource database to be used for conservation planning in Chatham County. Further data needs and gaps will be identified and described. These data will be made available on the County's GIS website for use by planners, elected officials, developers, landowners, and the general public – available for download and also in a user-friendly online mapping tool.

IDENTIFICATION AND PRIORITIZATION OF IMPORTANT HABITATS, SPECIES, and FOREST RESOURCES: Important habitats, species, and forest resources have been identified and described. Connections between these important resources and other agricultural, forestry, and recreation areas will also be identified, described, and mapped.

MAPPING OF PRIORITY HABITATS AND FOREST RESOURCES: Modeling and mapping of priority habitats and forest resources have been conducted using a Geographic Information System (GIS), focusing on priorities outlined in the NC State Wildlife Action Plan (SWAP) and those identified from stakeholder input.

FOREST RESOURCE ANALYSIS: An analysis of the ecosystem and economic values of forest resources is being conducted for timber, recreation, and water quality.

ONLINE TOOL: An online tool for conservation information that consists of GIS data layers, documents, and other resources, as well as instructions for navigating the Plan and online tool.

STAKEHOLDER INVOLVEMENT: Citizen engagement by way of focus group meetings and community workshops is being conducted to solicit input and feedback and develop a community vision for natural resources in Chatham County.

IMPACTS and THREATS: Potential impacts and threats to natural resources are being identified and described.

MANAGEMENT AND PROTECTION STRATEGIES: A summary of current and preferred management strategies for important habitats, species, and forest resources is being developed.

METHODS for PLAN DEVELOPMENT: A detailed methodology of the process used to develop the Plan is being documented. The methods include documentation for development of goals and objectives; data compilation, synthesis, and creation; identification and mapping of priority resources; stakeholder involvement (including development of a community vision); and development of recommendations and strategies for implementation.

A **Focus Group** was formed to help guide the Plan process; provide input on important data and sources of data; review data analysis, maps, and the Plan document; and provide feedback throughout development of the Plan. Members of the Focus Group include Chatham County staff, State and Federal agencies, and many others (see PPT presentation). Anyone is welcome to join to Focus Group – go to the CCP wiki to sign up for the Focus Group listserve to receive announcements of meetings, review meeting minutes and presentations, and other relevant information.

The Conservation Plan is building on State and Regional Conservation Planning efforts to create a County-level tool; this Plan will serve as a model for other Counties, and is the first of its kind in NC. The following state and regional tools are being considered in development of the Chatham Conservation Plan:

- NC Conservation Planning Tool (NCCPT)
- Southern Forest Land Assessment (SFLA)
- NC State Wildlife Action Plan (SWAP)

Priority Habitats and Species will be highlighted in the Plan. Priority Habitats include those outlined in the SWAP. Priority Species have been identified as:

1. Rare Species and natural communities tracked by the NC Natural Heritage Program, and
2. SWAP Priority Species.

Lists of these species and habitats have been peer-reviewed and are posted on the CCP wikispace.

Important Conservation Layers for Chatham have been identified, and conservation values are being assigned. Examples of GIS data being updated for local mapping of important natural resources include: streams, wetlands, SWAP priority habitats, forestland, slopes, hardwood forest blocks, and rare species watersheds.

Community meetings have been scheduled for local citizens to learn more about the Conservation Plan and provide input:

- June 23, 2010 – 6:30-8pm
CCCC Multipurpose Room (Bldg 2), Pittsboro
- June 24, 2010 – 6:30-8pm
Western Chatham Senior Center, Siler City

Ms. Weakley's PowerPoint presentation can be accessed at the following link:
<S:\Planning\Jason\planning\CCP> .

VII. SUBDIVISIONS:

A. Public Hearing – First Plat Approval:

Request by H & A Properties, Inc. for subdivision First Plat approval of “Shambley Meadows, Phase IV, consisting of 11 lots on 25 acres, located off S. R. 2165, Hadley Mill Road, Hickory Mountain Township.

Chair Elza opened the public hearing for this request.

Ms. Richardson reviewed the agenda notes for the application. She stated that the developer has already completed the concept plan process for first plat requirements which included a community meeting and ERB review; and that staff recommends granting approval of the First Plat for Shambley Meadows, Phase IV with the condition that the Construction Plan and Final Plat be reviewed and approved by staff.

- Harold Howard, owner/applicant was present. Mr. Howard apologized for forgetting to meet with some of the Planning Board members at the proposed site last Saturday morning. He stated that there have been no problems with water availability; that the soil is good for perking; and that he presently has no plans for any additional development adjoining this site.

The following adjacent landowners spoke in opposition to the request:

- Billie Shambley, 585 Hadley Mill Road
- Farrell Moose, owns CSA farm – raises vegetables for 25 people
- Emily Lancaster, 100 Shambley Mill Road
- William Dow, 602 Friendly Pooch Lane – CSA farmer

Some concerns voiced by the above landowners were:

- wells – water availability - how many people can tap into underground water
- septic systems, repair areas
- future development of adjacent lands
- Hadley Mill Road – becoming a thoroughfare
- preserving the rural nature of Chatham County

- loop road in existing Shambley Meadows – large rocks in middle of road to prevent cutoff from Jay Shambley Road to Hadley Mill Road
- rumor that bio solids were spread on this proposed land
- land conservation

Mr. Howard addressed the above concerns. He stated that each lot in the subdivision has an individual well and water supply has not been a problem; that the soil for septic systems is some of the best in the state; that the rocks will be removed when NCDOT takes over the road; that he is responsible for the maintenance until NCDOT takes over the road; that neighbors complained because people were speeding through Shambley Meadows Road; that bio solids have not been spread on the property; and that this subdivision is a good concept.

Chair Elza closed the public hearing.

Motion to approve - failed:

Mr. Hinkley made a motion; seconded by Mr. Sommers to approve the request as submitted. Discussion followed regarding:

- cumulative affects/impacts
- 6 lots on cul-de-sac / 5 lots on curve of Hadley Mill Road,
- driveways accessing onto Hadley Mill Road – wants joint access provided to 5 lots off Hadley Mill Road
- building green – would help builder integrate into existing neighborhood, i.e., reduce water use
- Homeowners Association – not currently set up
- possible additional phases
- Energy Star – not being required
- 23 existing houses in Shambley Meadows

The motion to approve failed 2-7 with Hinkley and Sommers voting in favor of the motion; and all other members present voting against. Discussion followed regarding access provision to the five (5) lots off Hadley Mill Road.

Motion to approve with additional condition – passed:

Mr. Hinkley made a motion; seconded by Ms. Harrelson to approve the request as submitted and as recommended by staff with an additional condition #2 stating that **joint access be provided to serve the five (5) lots (#'s 7 – 11) fronting on Hadley Mill Road.** There was no further discussion and the motion passed 5-4 with Hinkley, Harrelson, Elza, Ford, and Levy voting in favor of the motion; and Copeland, Ernst, Sommers, and Turner voting against. The two (2) conditions are:

1. The Construction Plan and Final Plat shall be reviewed and approved by staff; and
2. Joint access be provided to serve the five (5) lots (#'s 7 – 11) fronting on Hadley Mill Road.

B. Preliminary Plat Approval:

Request by Bill Mumford, Project Manager on behalf of NNP Briar Chapel, LLC for preliminary plat approval of "Briar Chapel – Phase 4, Kimbolton Place, Lots 465 and 466", consisting of 2 lots on .44 acres, located off US Hwy 15-501 N, Baldwin Township.

- Bill Mumford and Lee Bowman, Briar Chapel development project were present.

Mr. Mumford gave a brief update on the status of the 401 and 404 permit issues. He stated that approximately a year ago evaluations began to correct the issues of violation; that in August 2009 the 401 and 404 modified permits were issued to Briar Chapel; that throughout the fall process they began talking with various contractors/consultants to assist with repairs; that in December 2009 they contracted with Backwater Environmental of Pittsboro, NC to perform the work; that work was completed in April, 2010; and that as of today letters have been received (from the US Army Corp of Engineers and NCDWQ) stating that issues had been modified.

Discussion followed. Mr. Sommers stated that he had raised the issue about the violations; that in the course of the last two weeks he received a letter from the US Army Corp of Engineers identifying exactly what they had done and what will be done regarding monitoring; that he also received a letter from NCDENR identifying from their point of view what has been done and what needs to be done; that his point was that if they are doing ok then the agencies that issued the violations should say so; and that he believes that this has now been done directly and openly . (Note: Copies of these letters were distributed to the Board and copies are also filed in the Planning Division.)

No adjacent landowners spoke.

Motion to approve:

Mr. Copeland made a motion; seconded by Mr. Hinkley to grant preliminary plat approval of Briar Chapel, Phase 4, Kimbolton Place, Lots 465 – 466 as submitted and as recommended by staff. There was no discussion and the motion passed unanimously.

C. Final Plat Approvals:

1. Request by Bill Mumford, Project Manager on behalf of NNP Briar Chapel, LLC for final plat approval of "Briar Chapel – Heather Glenn Circle", consisting of 14 lots on 2.09 acres, located off Andrews Store Road, SR-1528 and Parker Herndon Road, SR-1526, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that the plat displays the necessary information and meets the requirement of the Subdivision Regulations with other agency approvals; and that staff recommends granting final plat approval as submitted with two (2) conditions as follows:

1. The plat not be recorded until the county attorney has approved the form and amount of the financial guarantee; and
2. The plat not be recorded until the roadway, Heather Glen Circle, has been certified by an engineer to be adequate for emergency vehicle access.

Condition #2 was discussed. Lee Bowman stated that this was a timing mechanism.

Motion to approve:

Mr. Hinkley made a motion; seconded by Ms. Harrelson to grant final plat approval of "Briar Chapel - Heather Glen Circle" as submitted and as recommended by staff with the two (2) conditions noted above. There was no discussion and the motion passed unanimously.

2. Request by Bill Mumford, Project Manager on behalf of NNP Briar Chapel, LLC for final plat approval of "Briar Chapel, Phase 5, South, Section 2, consisting of 32 lots on 6.72 acres, located off Andrews Store Road, S. R. 1528 and Parker Herndon Road, S. R. 1526, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that staff has revised language of condition #3 as noted below with underline:

- The plat not be recorded until an engineer/surveyor certifies that the retaining walls are outside of the 10 foot no-build area adjacent to the water hazard/riparian buffer areas, or the Board of Commissioners grants an adjustment, modification, reduction or waiver request consistent with the terms of the Compact Communities Ordinance.

Discussion followed regarding condition #3. It was noted that with the addition of the next submittal for discussion ("Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat") there would be a total of 13 affordable housing units to date and there will be a total of 60 at build-out.

No adjacent landowners spoke.

Motion to approve:

Mr. Copeland made a motion; seconded by Ms. Levy to grant approval of Briar Chapel Phase 5 South, Section 2 with the following three (3) conditions:

1. The plat not be recorded until the county attorney has reviewed and approved the form and amount of the financial guarantee.
2. The plat not be recorded until an engineer certifies that the roadway surface is sufficient to support emergency vehicle traffic.

3. The plat not be recorded until an engineer/surveyor certifies that the retaining walls are outside of the 10 foot no-build area adjacent to the water hazard / riparian buffer areas or the Board of Commissioners grants an adjustment, modification, reduction or waiver request consistent with the terms of the Compact Communities Ordinance.

Discussion followed. Ms. Ford suggested leaving condition #3 as initially worded (delete wording regarding retaining walls). The legality of the revised language was discussed. Ms. Richardson noted that the revised language was taken from Section 15 under "Waivers" of the Compact Communities Ordinance. Mr. Sullivan stated that this revised language is legal; but that the process (not clear) is the question if a waiver is requested.

The motion passed 8-1 with all Board members present voting in favor of the motion; except Ms. Ford who voted against. The three (3) conditions are listed above.

D. Recombination:

Request by Bill Mumford, Project Manager on behalf of NNP Briar Chapel, LLC for "Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat" to add fifteen (15) additional lots and to revise existing lot lines, on a total of 8.51 acres, located off US Hwy 15.501 N, Baldwin Township.

Ms. Richardson reviewed the agenda notes for this application and explained the recombination and re-subdivision plat request. She stated that the plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals; and that staff recommends granting approval of the request as submitted.

Lee Bowman stated that there are currently 100 established lots with the development; that it has been a very successful two years; and that they have been in the top ten sales in the Triangle for the past two years.

No adjoining property owners spoke.

Board discussion followed regarding affordable housing units and density.

Motion to approve:

Ms. Levy made a motion; seconded by Mr. Copeland to grant approval of "**Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat**" as submitted and as recommended by staff. There was no further discussion and the motion passed 8-1 with all Board members present voting in favor of the motion; except Mr. Sommers who voted against.

VIII. NEW BUSINESS:
No items were discussed.

IX. STAFF ITEMS:

A. Planning Director Staff Report

1. *Minor Subdivisions Update*

Mr. Sullivan stated there was only one (1) minor subdivision to report; and that there would be an updated spreadsheet included in next month's agenda packet.

2. *Chatham-Cary Land Use Plan Update*

Mr. Sullivan reported that the last meeting of the subcommittee was held on May 18; that the next meeting is scheduled June 11 at the Jordan Lake Visitor Center from 8:30 to 10:30 a.m.; that he did not attend the May 18 meeting; that Ben Howell and Charlie Horne attended the meeting and some issues discussed were:

- Having a local Bill sent to the Legislature requesting that any changes to the Land Use Plan (when it is adopted by both jurisdictions) would have to be mutually agreed to by both jurisdictions;
- Land use decisions would have to be consistent, i.e., zoning; and
- Mix use node location.

Chair Elza noted that the mix use node location has not been a favorable one by many citizens.

Karl Ernst and Del Turner left the meeting at this time [9:17 p.m.].

X. BOARD MEMBER ITEMS:

A. Discussion of Environmental Review Board resolution on climate change.

- Sonny Keisler spoke representing the Environmental Review Board.

He stated that a copy of the proposed resolution was included in tonight's Planning Board packet; and that the intent of the resolution asks the Chatham County Planning Board and Board of Commissioners to join with the Environmental Review Board to begin a discussion of climate change (global warming). Mr. Keisler read language from the resolution as follows:

“Resolution of the Chatham County Environmental Review Board Requesting that the Chatham County Board of Commissioners Adopt Policies to Reduce Greenhouse Gas Emissions and to Prepare for the Consequences of Climate Change in Chatham County”.

He noted that the resolution is composed of seven (7) “Whereas” and ends with “Now Therefore, Be It Resolved” listing four (4) specifics summarized as follows:

- 1) Establish goals to reduce greenhouse emissions
- 2) Educate citizens of Chatham County about what climate change is about and what we can do to mitigate and what we can do to adapt

- 3) Reduce greenhouse gas emissions, and
- 4) Urge action at the state and national level.

Mr. Keisler distributed (and reviewed briefly) a five-page hand-out that included the following information:

- Expected 2100 Climate / Likely Temperatures/ Time Scale/ Commentary
- Climate Futures
- Research Notes
- Web Based Resources

A copy is filed in the Planning Division.

- Martha Girolami, was also present representing the Environmental Review Board. Ms. Girolami stressed the importance of the resolution and its implementation.

Motion to adopt resolution:

Mr. Hinkley made a motion; seconded by Mr. Sommers to adopt the resolution as submitted. Discussion followed regarding the importance of reducing greenhouse gas emissions and preparing for the consequences of climate change in the Chatham County. The motion to adopt the resolution passed unanimously.

XI. ADJOURMENT: There being no further business the meeting adjourned at 9:30 p.m.

Kay Everage, Clerk to the Board

Kimberly Tyson, Assistant Clerk to the Board

Date