

CHATHAM COUNTY PLANNING BOARD
MINUTES
September 14, 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:

B.J. Copeland, Vice - Chair
Karl Ernst
Barbara Ford
Warren Glick
Judy Harrelson
Jim Hinkley
Timothy Keim
Susan Levy
Bill Sommers

Absent

James Elza, Chair
*Delcenia Turner

** Ms. Turner stopped by meeting and informed Ben Howell that due to a conflict she would not be able to stay for the meeting.*

Planning Division:

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

Others Present

Tom Glendinning
Board Parliamentarian

- I. CALL TO ORDER: Mr. Copeland called the meeting to order at 6:30 p.m.
- II. DETERMINATION OF QUORUM: The clerk stated that a quorum was present to begin the meeting [7 Board members were present at this time].
- III. APPROVAL OF AGENDA: Mr. Glick made a motion; seconded by Mr. Sommers to approve the agenda as submitted. There was no discussion and the motion passed unanimously.
- IV. APPROVAL OF CONSENT AGENDA: Mr. Hinkley made a motion; seconded by Mr. Glick to approve the consent agenda as submitted. There was no discussion and the motion passed unanimously.

Minutes: Consideration of a request for approval of the July 13, 2010 Planning Board minutes.

- 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. SKETCH DESIGN APPROVAL – REVISION:

Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a revision of sketch design approval of “Farrington - Section X, Phases 1 and 2”, consisting of 41 lots on 21.87 acres located off S. R. 1817, Millcroft, Williams Township.

Barbara Ford and Judy Harrelson arrived at 6:35 p.m. and 6:37 p.m. consecutively.

Ms. Richardson reviewed the agenda notes for this subdivision request. She stated that the Farrington Village master plan was approved in 1974 as a Planned Unit Development and has been modified over the years; that since the original approval, additional land was added to the PUD and the number of residential units was increased to 1602 ; that the development approval consists of 956 acres / 1602 dwelling units including the Galloway Ridge units; that there are 225 lots remaining of the 1602 approved units; that Section X, Phase 1 is for 12 lots and Phase 2 is for 29 lots; that this request is a revision to a 1991 sketch plan approval that was later revised in 1999; and that staff recommends granting approval of a revision of sketch design approval of “Farrington - Section X, Phases 1 and 2”, with the following two (2) conditions:

1. The preliminary plat shall be revised to show the correct right-of- way widths; and
2. A note shall be placed on the preliminary plat stating the maintenance responsibility of Burke Place until such time as NCDOT takes the road over for maintenance.

R. B. Fitch, owner; Dan Sears, ASLA, Sears Design Group, P.A.; and Alan R. Keith, P.E., Diehl & Phillips, P.A., were present representing the development.

Some concerns noted by Board members and addressed by Mr. Keith were:

- Farrington wastewater treatment plant capacity - current flow is .237 million gallons/day and total permit capacity is .5 million gallons/day;
- Total connections of average daily flow – approximately 960 (Sections 1,2, & 3 are served by individual septic systems); and
- Maximum building height allowed – 57 feet (this was associated with Galloway Ridge) – Zoning Ordinance allows 60 feet maximum height.

Following discussion, Mr. Hinkley made a motion; seconded by Mr. Ernst to grant approval of the application as submitted and as recommended by staff, with two (2) conditions as noted above. There was no further discussion and the motion passed unanimously. Conditions are as follows:

1. The preliminary plat shall be revised to show the correct right-of- way widths; and
2. A note shall be placed on the preliminary plat stating the maintenance responsibility of Burke Place until such time as NCDOT takes the road over for maintenance.

VII. ZONING AND ORDINANCE AMENDMENTS:

A request by HBP Properties, LLC for a revision to the existing conditional use permit on Parcel No. 2407, known as Polk's Village, 10677 US 15-501 N, to add additional uses on the property.

Mr. Sullivan stated that application information was included in tonight's agenda packet for this conditional use permit amendment; that the applicant is requesting to add a number of uses to their existing permitted uses; that the request is scheduled for public hearing September 20, 2010; that the meeting place has been changed from the Agriculture Extension Building to the **multi-purpose room at Central Carolina Community College in Pittsboro, NC**; and that the hearing will begin **at 7:00 p.m.** instead of the usual 6:00 p.m. because a ribbon cutting is scheduled for the new library from 5:00 p.m. until 7:00 p.m. prior to the Commissioner's meeting. Mr. Sullivan noted that this would be a quasi-judicial proceeding with sworn testimony.

VIII. LANDFILL SITING STUDY PRESENTATION - Presentation by Solid Waste Management staff on the landfill siting study.

Mr. Sullivan introduced Dan LaMontagne, Chatham County Solid Waste Management Director who has been with Chatham County for approximately two months.

Mr. LaMontagne gave a PowerPoint presentation titled, "Landfill Alternative Site Evaluation". Some topics reviewed were:

- Project Vision and Goals
- Initial Screening Criteria [NC Solid Waste Rules and Statutes]
- Initial Technical Siting Parameters
- Map showing 564 [>100 acres] parcels
- Map showing all parcels[>100 acres] not in Critical Watershed or Municipal Area
- Map showing all parcels [>100 acres] not in Critical Watershed, Municipal Area or Airport Buffers
- Map showing all parcels [>100 acres] not in Critical Watershed, Municipal Area, Airport Buffers, Parks or Gamelands
- Map showing all parcels [>100 acres] not in Initial Screening Criteria
- Second Screening – Elimination Criteria....Proximity to; Decision Criteria
- Map showing Critical Watersheds and Initial Screening Criteria

- Map showing Critical Watersheds, distance to Major Roads and initial Screening Criteria
- Map showing Initial and Secondary Screening Criteria
- Map showing **9 Potential Sites** – Chatham County Landfill Siting Study
- Next Steps: Develop Ranking Criteria; Rank Remaining Sites; Evaluation of Most Suitable Sites
- Permitting a Subtitle D Landfill in North Carolina
- Typical Subtitle D Landfill Components

Some specifics noted by Board members and addressed by Mr. LaMontagne were:

- Sites have some relationship to what is to be put on them, i.e., configuration of the landfill
- Existing site on US Hwy. 64 W.
- 40 year life, i.e., define type of waste, relationship between types, and what kind of landfill
- Bio-degradable materials not currently excluded
- Methane volume – uncertain and would depend on the landfill size
- Landfill time-line [2-4 years]
- Third party would routinely test for containments
- Biomass conversion - has been looked at
- Odor control technologies – one is to use buffers
- Negativity – how to approach or mitigate
- Inert debris – other opportunities for this throughout the county
- Consequences of birds being around landfill, i.e., Great Lakes Gulls [landfill is a food source during the day then birds travel to their roost at night]
- What happens to landfill property after the landfill closes – it becomes usable land, i.e., golf courses
- Triassic soils – not desirable for base of landfill (ok for cover soils)
- Production 10-20 years ago – Mr. LaMontagne will provide this information at a later time

Mr. LaMontagne explained the construction process and included exhibits from the PowerPoint presentation. He stated that the landfill would be designed to accommodate 500 tons/day with a 40 year life span.

IX. NEW BUSINESS:

No reports were submitted.

X. STAFF ITEMS:

Planning Director Staff Report

1. *Minor Subdivisions Update*

Mr. Sullivan stated that an updated spreadsheet was provided in tonight's agenda packet; that seven (7) new minor subdivisions were added since the last update two months ago; and that included in this number are six (6) townhouse

lots. He explained the minor subdivision process including fees and various application forms.

2. *Discussion of the recently adopted NC House Bill 683 – “An Act to Amend the Permit Extension Act of 2009”*

Mr. Sullivan stated that the following were included in tonight’s agenda packet:

- a) *Bulletin from the School of Government written by Rich Ducker giving an overview of Session Law 2010 – 177, House Bill 683, and*
- b) *Session Law 2010-177 House Bill 683.*

Mr. Sullivan stated that this is an amendment to the Permit Extension Act approved in 2009 that covered a number of different permits (Subdivision, Building, Environmental Health, and etc.); that any permit that had an expiration date from January 1, 2008 through December 31, 2010 the expiration dates were stopped; that if a permit had expired during this time period the permit was revived; that this Bill extends the Permit Extension Act an additional year to December 31, 2011; and that some items added do not have any application to Chatham County because of our current handling of subdivision approvals. He addressed the following from House Bill 683:

- **Section 7.1** Conditions for qualification; termination; right of appeal - which states there are certain things that have to occur or the County could terminate approval on a project.

(a)

(1) Comply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the governmental entity – mainly reflections of what local governments were already requiring with previous Bill (need to maintain compliance with all other permits).

(2) Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity – a number of subdivisions have received final plat approval that have financial guarantees; that through this process expirations have occurred and the financial guarantee is tracked and letters of credit are renewed; and that we have a number of financial guarantees that are bonds with no expirations.

(3) Complete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity - the wording is complicated and it is not clear if we as the County would have ability to proceed on a final subdivision plat if brought forward with uncompleted infrastructure because of the way our

Subdivision Regulations are worded, i.e., provisions that allow for them to provide a financial guarantee or letter of credit; and that the biggest item that came up out of this House Bill with the extension is that there is an opt-out provision by the Board of Commissioners [State-wide] that states:

- **Section 4.1** A unit of local government may by resolution provide that S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, Sections 2 and 3 of S.L. 2009-572, and by this act, shall not apply to a development approval issued by that unit of local government. A development approval issued by a unit of local government that opts out pursuant to this section shall expire as it was scheduled to expire pursuant to S.L. 2009-406, as amended by Section 5.1 of S.L. 2009-484, Section 5.2 of S.L. 2009-550, and Sections 2 and 3 of S.L. 2009-572 prior to the enactment of this act. - The Commissioners would have to approve a resolution opting out of the permit extension before the enactment of the permit extension; that action would need to be taken before the end of this year; that the Commissioners could select certain categories of permits to opt out of the extension, but justification would be needed; and that the one (1) year additional time limit would apply for permits approved in the County, i.e., subdivisions, building permits, Environmental Health permits, etc., if the opt out provision was not exercised.

Board members discussed the number of permits affected if the opt-out is applied. Staff noted that the number of conditional use permits with expirations is under 10; that the overall number would be unknown, i.e., building permits; but that there would be approximately 20 subdivision applications affected.

- ***Discuss this issue next month.***

Mr. Copeland suggested that this issue be discussed at next month's Planning Board meeting. He stated that members should be prepared to possibly make a recommendation to the Board of Commissioners at this time; and that Planning staff present specific number of applications that would be affected and other available information.

Mr. Howell explained that there has been on-going discussion from the legal standpoint about how a Local Government would be able to opt out, i.e., what type of findings; that various models are being reviewed by the School of Government for Local Governments to utilize; that the county attorney would need to advise the Commissioners (if they do opt out) on what the justification is for opting out; and that even if the County Commissioners did opt out of this extension for all county permits it would still affect many State permits that cannot be opted out of.

