

CHATHAM COUNTY PLANNING BOARD
MINUTES
May 3, 2011

The Chatham County Planning Board met in regular session on the above date in the multi-purpose room of Central Carolina Community College in Pittsboro, North Carolina. Members present were as follows:

Present:

Michael Mayo, Chair
Karl Ernst, Vice-Chair
Philip Bienvenue
Kathryn Butler
Philip Canterbury
B.J. Copeland
James Elza
Mike Grigg
Dwayne Howard
Timothy Keim

Absent

Planning Division:

Jason Sullivan, Planning Director
Ben Howell, Planner
Angela Birchett, Zoning Administrator
Kay Everage, Clerk to the Board

Others Present

Tom Glendinning, Parliamentarian

- I. CALL TO ORDER: Chair Mayo called the meeting to order at 6:30 p.m.
- II. DETERMINATION OF QUORUM: The clerk stated that a quorum was present (10 members) to begin the meeting.
- III. APPROVAL OF AGENDA: Mr. Ernst made a motion; seconded by Mr. Keim to approve the agenda as submitted. There was no discussion and the motion passed unanimously.
- IV. APPROVAL OF CONSENT AGENDA:
Minutes: Consideration of a request for approval of the April 5, 2011 Planning Board minutes.

Mr. Howard made a motion; seconded by Mr. Keim to approve the consent agenda as submitted. There was no 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. ZONING AND ORDINANCE AMENDMENTS: - *Item from March 21 and April 18, 2011 Public Hearings.*

1. Request by the Chatham County Board of Commissioners for text amendments to the Chatham County Zoning Ordinance to delete the requirement for an Environmental Impact Assessment (EIA) on non-residential, general use zoned properties in Section 11.3 and to add "Telecommunications Towers" in the list of permitted uses in Section 10.3 as a correction to an earlier amendment.

Ms. Birchett reviewed the agenda notes for this request. She stated that staff recommends approval of the proposed text amendments to the Zoning Ordinance as follows:

- Section 11.3 - remove the requirement for an EIA on non-residential, general use zoned properties, as directed by the Board of Commissioners at their retreat this past February; and
- Section 10.3 - add Telecommunications Towers to the Zoning Ordinance.

Board discussion followed regarding, 1) the permitting process for a general business zone, i.e., submitting site, parking, landscaping, grading, utilities, and watershed sedimentation control plans; and 2) the difference between an EIA (Environmental Impact Assessment) and an EIS (Environmental Impact Statement). Mr. Sullivan stated that Rachael Thorn, Soil Erosion & Sedimentation Control Officer, reviews sedimentation control plans; and that Fred Royal, Environmental Resources Division, reviews storm water control plans.

Ms. Birchett stated that various departments (Planning, Building Inspections, Health Department, Central Permitting, and others) meet monthly to review new applications.

Some concerns of Mr. Keim were:

- save time and money by initially doing the job right;
- in the case of an EIA (or EIS) the environmental construction is expensive and in some cases almost impossible to repair;
- the Ricky Spoon property in Pittsboro's ETJ (Belmont Estates) has now become an expensive environmental disaster affecting Robinson Creek and Jordan Lake - tons of sediment have washed into the watershed where best management practices were ignored - an EIA (or EIS) could have easily predicted the outcome of this development;
- inside and outside of Chatham County's borders many such destructive practices have resulted in predictable results - that of the 136 streams (215 miles) classified in Chatham County by the N.C. Department of Environmental Natural Resources (DENR), 25 are impaired - major pollutant is sediment deposited by erosion due to earth moving erosion and impervious surface - of the 215 miles of streams classified by DENR only 16 miles in Chatham County are designated as high quality waters;
- main tributaries to Jordan Lake (Haw River and New Hope River) are impaired because of sediment - the sediment smothers the populations of wildlife, some of which are endangered species;
- if we fail to safeguard our irreplaceable water sources we are failing in our obligation to protect public health and safety;

- we should want to know what the probable impacts are before beginning a particular project especially when dealing with resources that cannot be easily repaired and are very costly;
- a developer may have to spend money up front to take a look at the probabilities of their actions – which is better than a community having to spend hundreds of thousands of dollars (or more) to repair that damage in the future - those examples are all over Chatham County;
- impact assessments are not meant to deprive us of the profits of good projects - Chatham County is growing and development is going to be a part of this growth; and,
- an EIA is meant to make projects better and prevent the destruction of our environmental capital.

Mr. Keim recommended that the process be strengthened and made a part of our Zoning Ordinance and that we begin cleaning up existing impaired waters in Chatham County.

Some specifics noted by Mr. Copeland were:

- the importance of an EIA – bad idea to eliminate;
- the need to fix the problem rather than do away with the EIA;
- the importance of getting the information in one place at one time in order to access what potential impact may occur; and,
- there is no evidence that an EIA has presented a problem in the past.

Chair Mayo was concerned that some of tonight's comments might imply that we're putting the sediment-erosion problem on development (commercial and/or residential). He noted that there would not be development without having some impact.

Some specifics discussed by the Board were:

- time frame and cost involved to develop an EIA;
- an EIA identifies possible impacts and potential issues;
- water quality, i.e., analysis of the water; sediment, impurities;
- what adjoining counties require/enforce;
- does the county have power to do anything once an assessment is received – can't write regulations to have requirements derived from an EIA;
- any awareness of who does the EIA, i.e., profit motive;
- need responsible growth – density of regulations has caused some developers to look outside Chatham County for development;
- how to control what is coming in to our county, i.e., pollutants;
- need for industry/businesses in this county, i.e., build a rational environment;
- keep future costs down;
- possibly increase minimum acreage from 2 to 5 acres; and
- erosion and sedimentation control, Stormwater Ordinance, and increased riparian buffer rules in the Watershed Ordinance are currently in place to make Chatham County attractive and environmentally sound.

Motion to approve proposed text amendments

Mr. Howard made a motion; seconded by Mr. Grigg to recommend approval of the text amendments to remove the requirement for an EIA on non-residential, general use zoned properties, as directed by the Board of Commissioners at their retreat in February; and to add Telecommunications Towers to the Zoning Ordinance, as recommended by staff. There was no further discussion and the motion passed 6-3-1 with Howard, Grigg, Mayo, Ernst, Butler, and Canterbury voting in favor of the motion; and Copeland, Elza, and Keim voting against; and Bienvenue abstaining.

Items for May 16, 2011 Public Hearing:

2. Public Hearing request by Mark Moldenhauer for a Conditional Use District [CUD] Rezoning from R-1 Residential to CU Light Industrial on Parcel No. 67592, located at 1971 Lystra Rd, on approximately 1 acre of a 5.032 acre tract.

3. Public Hearing request by Mark Moldenhauer for a Conditional Use Permit [CUP] on Parcel No. 67592, located at 1971 Lystra Rd., on approximately 1 acre of a 5.032 acre tract, for a mulching operation.

Mr. Sullivan stated that above items 2 and 3 are scheduled for public hearing May 16, 2011; that the meeting would be held in the auditorium of the Agriculture Building in Pittsboro, NC at 6:00 P.M.; and that the Planning Board would have several other items on this agenda.

VII. NEW BUSINESS:

No items were submitted.

VIII. STAFF ITEMS:

1. Minor Subdivisions Update

Mr. Sullivan stated that an updated spreadsheet listing the minor subdivisions issued by staff was included in tonight's agenda packet.

2. Watershed Review Board

Mr. Sullivan stated that last night during the Board of Commissioner's meeting there was an item on the agenda to possibly transfer the responsibilities of the Watershed Review Board from the Environmental Review Board to the Planning Board; that this item was continued to a future meeting; that he wanted to make the Board aware of this; that for several years the Planning Board served as the Watershed Review Board; that there were very few items that the Watershed Review Board had to handle; that this would require an amendment to the Watershed Ordinance; and that he would keep the Board updated on this issue.

Mr. Ernst noted that a few years ago, when the Watershed Review Board responsibilities were transferred from the Planning Board to the Environmental Review Board, it was a welcome offer to hand off those responsibilities to a degree; that there were many late night Planning Board meetings handling the many subdivisions at that particular time; and that he does not object to the Board taking on the responsibility once again as long as the Planning Board can deal with it.

IX. BOARD MEMBER ITEMS:

1. *Impact Fee - \$3500*

Mr. Grigg inquired if an impact fee is charged when a home has to be replaced due to tornados, fires and etc. Ms. Birchett stated that an impact fee **does not** apply in this case.

X. ADJOURNMENT: There being no further business, Mr. Ernst made a motion; seconded by Mr. Keim that the meeting be adjourned. There was no discussion and the motion passed unanimously. The meeting adjourned at 7:42 p.m.

_____/_____
Michael Mayo, Chair / Date

Attest:

_____/_____
Kay Everage, Clerk to the Board / Date