



**CHATHAM COUNTY PLANNING BOARD
MINUTES
September 13, 2011**

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

Present:

Karl Ernst, Chair
Philip Bienvenue
Philip Canterbury
B.J. Copeland
James Elza
Mike Grigg
Dwayne Howard
Timothy Keim

Absent:

Kathryn Butler

Planning Department:

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

Other:

Tom Glendinning, Parliamentarian

- I. CALL TO ORDER: Mr. Ernst called the meeting to order at 6:30 p.m.

- II. A. DETERMINATION OF QUORUM: The clerk stated that a quorum was present to begin the meeting (8 members).

- B. RESIGNATION OF MICHAEL MAYO:
Mr. Sullivan distributed a copy of the E-mail he received yesterday (9-12-11) from Michael Mayo. Mr. Mayo submitted his resignation from the Planning Board and comments from his E-mail are noted below:

“It is with tremendous regret that I must inform you of my resignation from the Chatham County Planning Board. This decision has come with a great amount of thoughtful consideration and much sadness. The circumstances involving my present occupation have made it impossible to for me to honor the position as Chairman of the planning board in the manner in which it deserves. I have the highest respect for the position and the fellow board members, and I would not be able to allocate the time and dedication that is needed to fulfill the duties properly. My personal feelings of responsibility to the citizens of Chatham County as well as the County Commissioners have leaded me to the decision.

I want to express my warmest thanks to yourself and the members of the Chatham County Planning Department. The level of professionalism, dedication and support that you all provide for the planning board and the citizens of Chatham County are invaluable. It is greatly appreciated by all.

Do not hesitate to contact me for any reason. I am only a phone call or an e-mail away.

My best wishes for you all. Michael Mayo”

- Chatham County Planning Board Rules of Procedure

Mr. Sullivan explained that the “Rules of Procedure” state that the Vice-Chair automatically assumes the responsibility of Chair until the term of office ends; and that Board members could elect a new Vice-Chair next month during the October 4, 2011 Planning Board meeting.

Chair Ernst stated that he could appreciate Mr. Mayo’s decision relative to having a demanding day job; that Planning Board members serve as volunteers and have individual priorities; and that he wishes Mr. Mayo well.

III. APPROVAL OF AGENDA: See next item below – IV. Approval of Consent Agenda.

IV. APPROVAL OF CONSENT AGENDA:
Minutes: Consideration of a request for approval of the August 2, 2011 Planning Board minutes.

Since the Board had no objections to Items III. (Agenda) and/or IV. (Consent Agenda), Chair Ernst declared these items approved as submitted.

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 July 18, 2011 Public Hearing

1. Request by Kent Dickens, dba Dickens Campground, Parcel No. 5749 and 5143, located at 2501 Corinth Rd., for a revision to the existing conditional use permit to add 6.5 additional acres from an adjoining tract to the existing campground site, add a spray water park, and 98 additional RV camp sites.

Ms. Birchett reviewed the agenda notes and the five (5) required findings for this request. She stated that staff recommends approval of the request as specified in the application with 17 conditions listed in tonight’s agenda notes.

Some specifics discussed by the Board were:

- *Site Specific Condition #4 – Storage of recreational vehicles or boats, as a separate use, is also prohibited unless an amendment to the conditional use permit is obtained.*

Ms. Birchett explained that unoccupied RV’s or boats not being used by current campground patrons could not be stored outside the campground area because it is not a storage facility; and that a rental lot is to be utilized within a maximum of 2 years.

- *Site Specific Condition #6 – Mobile homes on the site may not be used for commercial/non-residential purposes.*

Ms. Birchett explained that this condition applies to the existing mobile home on this property as well any future mobile homes placed on the property.

- *Garbage*

Kent Dickens, applicant, was present. Mr. Dickens stated that there are two (2) dumpsters on site; and that recycling is not currently being utilized.

- *Environmental documentation information*

Mr. Sullivan stated that after tonight's agenda notes were distributed staff received this information that has been reviewed and approved.

Motion for approval

Mr. Copeland made a motion; seconded by Mr. Canterbury, to recommend approval of the request as submitted and as recommended by staff including the 17 conditions listed in tonight's agenda notes. Discussion followed.

Mr. Dickens stated that he has reviewed the 17 recommended conditions and that they are acceptable. The motion to approve the request as noted above passed unanimously (8). The 17 Conditions are as follows:

Site Specific Conditions

1. The recommendations as provided by the Chatham County Appearance Commission shall be followed. All landscaping shall be installed and comply with Section 12 of the Zoning Ordinance and the Design Guidelines.
2. There shall be a 50 foot perimeter buffer around the currently approved recreational vehicle park/campground and the new 6.5 acre area being added where no development or sites may be located, as required by the Zoning Ordinance.
3. No sites or storage of any kind is permitted within the power line easement areas.
4. No individual storage units/structures shall be located on the site. Storage of recreational vehicles or boats, as a separate use, is also prohibited unless an amendment to the conditional use permit is obtained.
5. Units shall be located a minimum of 30 feet apart per the North Carolina Fire Code.
6. Mobile homes on the site may not be used for commercial/non-residential purposes.
7. Plans and permits must be submitted, approved, and a copy provided to the Planning Department from Environmental Quality for stormwater, from Erosion & Sedimentation Control for land disturbing activities, from NC Department of Environment and Natural Resources for public water supply, and from the Division of Environmental Health for the spray park and septic expansion.
8. A revised site plan detailing the location of septic areas and drain fields, impervious surface areas, corrected buffer areas, and stormwater features shall be provided after plans have been reviewed by the respective departments/agencies before any land disturbing may begin.
9. All previous conditions placed on the prior approvals shall also remain in effect.

Standard Site Conditions

10. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
11. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
12. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

Standard Administrative Conditions:

13. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.
14. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
15. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
16. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
17. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Public Hearing Items: Chair Ernst stated that application material was included in tonight's agenda packets for items 1, 2, and 3 listed below; that these requests are scheduled for public hearing September 19, 2011; and that the quasi-judicial hearing requires sworn testimony.

LEGISLATIVE HEARING:

1. Public Hearing request by Withers & Ravenel on behalf of Jo Ann Davis, Parcel No. 19645, Williams Township, located at 9157 NC Hwy 751, to

rezone the two (2) acre tract from R-1 Residential to CU-B1 Conditional Use Business.

QUASI-JUDICIAL HEARINGS:

2. Public Hearing request by Withers & Ravenel on behalf of Jo Ann Davis, Parcel No. 19644, Williams Township, located t 9157 NC Hwy 751, for a revision to an existing conditional use permit to add the two (2) acre tract from Parcel No. 19945 to the existing 17.246 acre tract, permit the residential structure to be used as retail, and convert the non-residentially approved structure on the original permit back to residential use for a caretaker's facility.
3. Public Hearing request by Sandy Pond Enterprises dba Dogwood Animal Hospital, Parcel No. 18637, Williams Township, located at 51 Vickers Rd., for a revision to the conditional use permit to add an additional 3,500 square foot kennel building and dog runs to the site.

VII. NEW BUSINESS:

1. *August 16, 2011 Joint Meeting of the Chatham County Planning Board and Chatham County Economic Development Commission [EDC] - update*

Chair Ernst stated that Leslie Scott, Director of the North Carolina Rural Center gave a presentation and some specifics noted were:

- Regional growth overall target
- Economic gardening
- Siler City STEP Program
- Farm products
- Seek certification of Siler City as a retirement community

Mr. Joe Glasson, Chair, Chatham County EDC Advisory Committee spoke at the second meeting held August 25, 2011.

Mr. Copeland stated an important issue discussed was:

- Listing of resources available from Economic Development and North Carolina Rural Center
 - a) places to go
 - b) things to do
 - c) things that Chatham County should be participating in
 - d) acquiring money for a specific project, and etc.

Mr. Bienvenue stated that discussion among both boards seemed to be consistent; that another meeting would be held in approximately 6 weeks; and that the Planning Board was asked to review some of the ordinances since some are dated and do not represent today's citizens.

2. *Signs*

Mr. Howard asked if sign regulations applied to signs erected on buildings, i.e. sign on side of building at corner of Highway 64 E. and N. Pea Ridge Rd.

Ms. Birchett stated that this particular property is zoned B-1 and that the size of this sign is in compliance with the Chatham County Sign Ordinance.

3. *Economic Development Commission (EDC)*

Mr. Elza stated that our permitting process time is a concern; that we have too many conditional use permits and not enough straight zoning; that we are currently reviewing the Zoning Ordinance; and that it would be beneficial if staff could approve site plans.

VIII. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions update.*

Mr. Sullivan stated that tonight's agenda packets included an updated spreadsheet of minor subdivisions approved in the Planning Department. He stated that staff also reviews plats of over ten acre subdivision tracts (exempt plats) as well as recombination plats. Mr. Sullivan noted that these applications have slowed down dramatically.

2. *Update on legislation approved during the 2011 General Assembly session on bona fide farms and campaign signs. –and Session Law 2011-363, House Bill 168 included in packet.*

Mr. Sullivan referenced material included in tonight's packet as follows:

- *Session Law 2011-408, Senate Bill 315 - Relates to campaign signs in highway rights-of-way*

Mr. Sullivan stated that for many years the Legislature has had regulations for regulatory signs on rights-of-way; that political signs are now allowed in the public rights-of-way maintained by NCDOT under the provisions underlined in this legislation; and that this issue would be further discussed. He noted that in the future staff **would not** be collecting these signs since it is now a misdemeanor to do so. He referenced Sec. 1. G.S. 136-32, 6. (e) that states:

"Penalties for Unlawful Removal of Signs. – It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section".

- *Session Law 2011-363, House Bill 168*

Mr. Sullivan stated that this legislation is regarding revisions to bona fide farm exemptions for zoning purposes; that the Legislature attempted to provide further clarification of how to define bona fide farm uses; and that documentation can now be submitted to use as evidence for staff to be able to determine whether or not a particular use is a bona fide farm use, i.e., Sec. 1, Item (b) (2) a. – e.

Mr. Sullivan noted that this is going to be an interesting issue State-wide to figure out and could possibly result in numerous court cases.

The Board discussed the following:

- *Historically the land had to produce so much revenue to qualify as a bona fide farm*

Mr. Sullivan stated that this does apply for some tax exemptions but not for the farm I.D. number; that the Tax Office is under a different Statute with different provisions; and that there would be issues State-wide regarding secondary uses, i.e. is it an accessory use to the primary use. He referenced Section 3. G.S. 160A-48 (g) that states:

"Property that is being used for bona fide farm purposes on the date of the resolution of intent to consider annexation may not be annexed without the written consent of the owner or owners of the property."

3. Update on steep slopes.

Mr. Sullivan stated that there was some discussion about provisions for steep slopes during last month's Planning Board meeting; that during that meeting there was a request for a copy of definitions currently being used; and that sections from the Chatham County Soil Erosion and Sedimentation Control Ordinance were included in tonight's agenda packet as follows:

- Pages 5 and 6 - definitions of gradual slope, moderate slope and steep slope
- Pages 12,13,14,15, and 16 – Section 6 Slope Standards
- Page 16 – Borrow and Waste Areas – Section 7
- Page 16 – Operations in Surface Waters – Section 8

4. Update on ordinance amendments and pre-application meetings for prospective businesses.

Mr. Sullivan stated that during their September 6, 2011 meeting, the Board of Commissioners adopted the amendments to the Subdivision Regulations and Zoning Ordinance that Board members discussed at last month's Planning Board meeting; that Sybil Tate, Chatham County Community & Economic Development Coordinator, has been very active coordinating our streamlining and internal process flow; that staff offers pre-application meetings for, 1.) prospective business owners, 2.) business modifications and 3.) subdivisions; that these meetings are held every Thursday afternoon; that various internal County departments attend the meetings and discuss proposed projects; and that staff has received positive feedback from those attending meetings. Mr. Sullivan referenced the pre-application material (3 pages) included in tonight's agenda packet as follows:

- a) staff members who may attend meetings; and
- b) steps to starting a business in Chatham County.

5. Discuss having Economic Development Corporation staff present the Economic Development Strategic Plan at a future meeting.

Mr. Sullivan stated that Dianne Reid, Chatham County Economic Development Corporation President could possibly present the Economic Development Strategic Plan at the October 4 or November 1, 2011 Planning Board meeting. It was the consensus of the majority of the Board that Ms. Reid present the plan at the November 1, 2011 Planning Board meeting.

6. Revising Subdivision Regulations and Zoning Ordinance.

Mr. Sullivan stated the Board of Commissioners adopted the amendments to the Subdivision Regulations and at their September 19, 2011 meeting he would be discussing with the Commissioners some additional guidance for amendments to the Zoning Ordinance on issues such as:

- conditional zoning
- signage
- court cases –additional review
- permitted uses table, and
- definitions.
- site plan requirements

Mr. Sullivan noted that the goal is to proceed with amendments discussed by the Board at their retreat in February.

7. *Public Hearings*

Mr. Sullivan stated that some Commissioners have indicated an interest in increasing public hearing from 6 to 12 per year; that currently public hearings are held every other month; that this is something for Planning Board members to consider since this could result in two (2) night meetings per month.

Next Public Hearing: Monday, September 19, 2011 at 6:00 p.m. in the auditorium of the Agriculture Building, Pittsboro, NC.

IX. BOARD MEMBER ITEMS:

1. *Chatham County Planning Board Rules of Procedure*

Chair Ernst referenced language from this document as follows:

“Section V. Meetings

F. A motion will be considered carried if a majority of members present and voting voted in favor of the motion. After the Chair announces the result of the final vote on a motion before the Board, any member who did not vote either for or against the motion, will explain to the Board and for the record, why they did not vote”.

He stated that this is a direct contradiction of “Roberts Rules of Order”; and that he would draft revisions to this language and present proposed modifications at next month’s Planning Board meeting.

Mr. Sullivan reminded Board members that amendments require two-thirds majority vote.

X. ADJOURNMENT: There being no further business, Mr. Elza made a motion; seconded by Mr. Copeland to adjourn the meeting. There was no discussion and the motion passed unanimously. The meeting adjourned at 7:28 p.m.

_____/_____
Karl Ernst, Chair / Date

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