

# Chatham County Planning Board Minutes February 3, 2015



The Chatham County Planning Board met in regular session on the above date in the Agriculture Building Auditorium, Pittsboro, North Carolina.

Members present were as follows:

Present:

B. J. Copeland, Chair  
Bill Arthur  
Brian Bock  
Stacey Curtis  
Jim Elza  
Barbara Ford  
George Lucier  
Caroline Siverson  
Cecil Wilson

Absent:

Tony Geata  
Gene Galin

Planning Department:

Jason Sullivan, Planning Director  
Hillary Pace, Planner II  
Lynn Richardson, Subdivision Administrator  
Kimberly Tyson, Clerk to the Board

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Chair Copeland delivered the invocation and afterwards the Chairman invited everyone to stand and recite the Pledge of Allegiance.

II. CALL TO ORDER:

Chair Copeland called the meeting to order at 6:30 p.m.

III. DETERMINATION OF QUORUM:

The clerk stated that a quorum was present to begin the meeting (9 members present)

IV. APPROVAL OF AGENDA:

See Item V. below.

V. APPROVAL OF CONSENT AGENDA:

Minutes: Consideration of a request for approval of the January 6, 2015 Planning Board minutes.

Board members had no objections to above items IV. and V. and were considered approved as submitted.

VI. PUBLIC INPUT SESSION:

Tom Glendinning, Eddie Perry Road, P. O. Box 12, Pittsboro, N.C., spoke of concerns with zoning the county and suggested the vote be made by townships if and when the item comes before the board.

VII. Welcome of New Members:

Each member briefly introduced themselves.

VIII. Orientation:

Mr. Sullivan introduced staff, explained procedures and policies, and duties of the Planning Department and duties of the Planning Board.

IX. ZONING AND ORDINANCE AMENDMENTS:

1. A legislative public hearing request for a proposed county-initiated text amendment to the Chatham County Zoning Ordinance Section 18, Board of Adjustment, to update the ordinance in response to statutory changes.

Ms. Pace reviewed the agenda notes for a proposed county-initiated text amendment to the Zoning Ordinance Section 18, Board of Adjustment. State legislature passed S.L. 2013-126, which addressed new changes to state statute NCGS §160A-388 and 153A-345.1 governing Board of Adjustment regulations. The new law made it necessary for local governments to update their zoning ordinances to conform to the new Board of Adjustment requirements. Areas impacted by the new law include determinations provided by Zoning Administrators, Hearings, Appeals, Variances and Decisions. A legislative public hearing was held January 20, 2015. No public comment was received. Commissioner Hales inquired about statutory references within the amended text as well as a summary of the areas affected. The changes have also been reviewed by the County Attorney for consistency with the revised statutes.

Scope of changes to Section 18

Subsection 18.2 Meetings- Our current ordinance did not specifically define the process for administering oaths as outlined by the revised statute. The procedure for hearing notices has been included for noticing standards as it relates to Board of Adjustment hearings. A separate subsection has been included regarding Subpoenas, adding provisions that the chair to the board rules on requests for and objections to subpoenas, with appeals possible to full board.

Subsection 18.3 Powers and Duties of the Board of Adjustment- Per the revised statute, the term decision has been added and defined within the text. There have been significant revisions to the standards for granting Variances. These changes are directly from the statute and serve to further clarify and standardize the variance process. A section outlining Quasi-Judicial Decisions has been added to summarize the process required of the Board for quasi-judicial decisions. This includes language regarding filing the decision with the Clerk to the Board and delivery of said decision to the applicant, property owner and those who have submitted a written request for said decision.

Section 18.4 Appeal Procedure- The section outlining the appeal procedure has been revised to include the specific standards for determining grounds for appeal, standards for providing written notice, timeline for filing appeals, and enforcement proceedings before an appeal hearing.

Section 18.5 Vote Required- Judicial Appeal- This section has been amended to include standards for superior court review for quasi-judicial decisions.

All proposed text amendment applications must address the following items outlined within the Chatham County Zoning Ordinance, Section 19. These items are addressed below:

**ITEM #1- The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.**

The amendments serve to update Section 18 Board of Adjustment to align with recently modified state statutes NCGS § 153a-345.1 and 160-388.

**ITEM #2- The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and welfare.**

The amendments provide for consistency with state statutes, which are both reasonable and promote public health, safety and welfare.

**ITEM #3- The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Use Plan.**

The amendments assist the *Users* of the adopted Land Conservation and Development Plan, specifically Elected Officials, Appointed Boards, and County Staff, to appropriately make recommendations and decisions on land use issues.

**ITEM #4- All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.**

The proposed amendments will create consistency with state law regarding Board of Adjustment procedure and regulations.

Planning Staff recommends approval of the proposed text amendments. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners.

Board discussion followed, questions were asked about establishing a Board of Adjustment. Mr. Elza provided a handout to the board, which may be viewed in the 2015 Planning Board Minutes notebook located in the planning office. Mr. Elza shared his thoughts on different policies and ordinances that may benefit from being under the Board of Adjustment bylaws. Concerns were raised about when alternates should serve on the Board of Adjustment, number of members on the Board of Adjustments, rules and procedures issues, and ordinances going through Board of Adjustments.

Board and staff discussion followed.

Chair Copeland stated the board has three meetings to make a decision and proposed this item to be tabled until March 3, 2015 Planning Board meeting.

IX. NEW BUSINESS:

Mr. Elza stated in 2014 the Planning Board recommended to the Board of Commissioners' four (4) different ways to get land use control in the county. The proposed land use options offered were open use, industrial, traditional (interim zoning), or do nothing. Mr. Elza stated he calls this the tale of two counties where the eastern portion of the county is urbanizing and the western portion is traditional agriculture. Chatham is being surrounded by urbanizing counties, such as Orange and Wake and they will send things our way that these counties don't want. The unwanted items could go into the unzoned areas and about fifty-five percent (55%) of the county is unzoned. Mr. Elza suggested that a Comprehensive Plan is needed and to take one of the zoning recommendations in hopes it's an interim-zoning and have both in place within the next six (6) months, forming two (2) committees one for a Comprehensive Plan and one for Land Use (interim zoning); also speaking with the agriculture community and ask what they want to be included. Mr. Elza also stated concern about Chatham Park and the megasites in Siler City and Moncure because they produce a lot of other uses that are not on site. Mr. Bock stated he thought they had gone through the procedures to get these items moving forward with the recommendations from the Planning Board that went to the Board of Commissioners and the Board of Commissioners voted to do Open Use zoning. You would get input from the areas and each area is zoned according to what that community wants.

Mr. Bock stated the Planning Board submitted dates to start the public input sessions and the dates were postponed and/or canceled, he was unsure. There were plans set to get the items moving. Mr. Bock stated he didn't know what was magic about six (6) months when it's been talked about for years and there is no way that proper public input could be received by July 1, 2015. He wanted to know what has changed to make the board go back and relook at the entire issue. Mr. Lucier stated the items before would have been quasi-judicial and what Mr. Elza is proposing is legislative; with quasi-judicial the public would have less input after the public hearing, but with legislative the public will be able to have input the entire time. With interim zoning staff would need to identify what businesses currently exist in the unzoned areas and map those areas which would take a few months. An issue would be if you zoned everything agriculture you would need to come up with a list of secondary businesses that agriculture would use and farmers depend on. The other issue is the lack of planning staff.

Chair Copeland appointed two (2) subcommittees and each subcommittee is tasked with five (5) things. The five things are: 1). Come up with how the issues brought forth can be accomplished 2). Don't go to fast to soon 3). Involve the input and interaction with planning staff 4). Remember Planning Board is an advisory board 5). Involve people that aren't on the Planning Board in your subcommittees. The two (2) subcommittees will report back each Planning Board meeting.

Board discussion followed.

Chair Copeland appointed Mr. Elza to Chair for the Land Use subcommittee and serving with him will be Mr. Bock, Ms. Siverson, and Mr. Wilson; Mr. Lucier to chair for the Interim Zoning subcommittee and serving with him will be Mr. Arthur and Mr. Galin. The

following changes were made to the subcommittees after the meeting; Land Use subcommittee chaired by Jim Elza and serving with him Brian Bock and Cecil Wilson. Interim Zoning subcommittee chaired by George Lucier and serving with him Gene Galin, Bill Arthur, Barbara Ford, and Caroline Siverson.

Question was raised if a motion was needed and Chair Copeland stated it was not.

X. PLANNING DIRECTOR'S REPORTS:

1. Minor Subdivisions / Exempt Maps
2. Board of Commissioners Public Hearing – Mr. Sullivan stated no public hearing for February 16, 2015, Board of Commissioners' meeting.

XI. BOARD MEMBER ITEMS:

1. Elect Officers

Mr. Luicer nominated Mr. Copeland for Chair and seconded by Mr. Wilson. Mr. Elza moved the nomination to be closed.

Mr. Bock nominated Mr. Wilson for Vice-Chair and seconded by Mr. Elza. Mr. Elza moved the nomination to be closed.

Mr. Bock suggested removing “for issues not on the agenda” from the agenda under Public Input Session and Chair Copeland agreed.

XII. ADJOURMENT:

There being no further business, the meeting adjourned at 8:12 p.m.

\_\_\_\_\_ / \_\_\_\_\_  
B.J. Copeland, Chair Date

Attest: \_\_\_\_\_ / \_\_\_\_\_  
Kimberly Tyson, Clerk to the Board Date