



**Chatham County Planning Board
Minutes
October 6, 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
Cecil Wilson, Vice Chair
Bill Arthur
Brian Bock
Stacey Curtis
Jim Elza
Barbara Ford
Tony Gaeta
Gene Galin
George Lucier
Caroline Siverson

Absent:

Other: Diana Hales, County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director
Hillary Pace, Planner II
Kimberly Tyson, Clerk to the Board

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Mr. Wilson, Vice Chair, delivered the invocation and afterwards 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 a quorum was present to begin the meeting (10 members were present at this time).
- IV. APPROVAL OF AGENDA:
No changes were proposed and the agenda was considered approved as submitted.
- V. APPROVAL OF CONSENT AGENDA:
 1. Minutes: Consideration of a request for approval of the September 1, 2015 Planning Board minutes.

The following modifications were made to the minutes.

Page 63: IV. Public Input Session

- first and second bullet - delete wording, “open-use” (i.e., zoning)
- third bullet - add word, “quantity” (i.e., spoke concerning groundwater quality and quantity), and,
- correct spelling of Ms. Cohen’s name: should read, “Esta” (instead of Ester as stated)

Page 62: Present

- correct spelling of Planning Board member’s last name: Geata should read Gaeta.

Mr. Gaeta made a motion; seconded by Mr. Bock to approve the September 1, 2015 Planning Board minutes as submitted with the above changes. There was no further discussion and the motion passed unanimously. (10 Board members – Ms. Ford had not yet arrived.)

VI. PUBLIC INPUT SESSION: Fifteen-minute time of public input. Speakers limited to three minutes each.

Chair Copeland asked that citizens signed up to speak about the Governor’s Club proposed text amendment to please wait until that item is reviewed later in tonight’s agenda (Item IX. Zoning).

- John Wesley Seawell, 5210 Goldston Carbonton Rd., Goldston NC spoke in opposition to the proposed zoning – see below Item VII. 1. Alternatives to Open Use-Zoning Subcommittee Update.

Barbara Ford arrived at this time (6:36 pm)

VII. BOARD MEMBER ITEMS:

1. Alternatives to Open Use -Zoning Subcommittee Update

Chair Copeland stated that a series of motions by the Planning Board (during August and September, 2015 meetings) have generally ended in a 5-5 or 6-5 vote; and that during last month’s Planning Board meeting the Board continued review of this issue until tonight’s meeting to make a final decision on the proposal.

Motion:

Mr. Wilson made a motion to recommend to the Board of Commissioners for interim zoning east of NC 87 along with an ordinance (countywide) to regulate commercial and club-like gun ranges, with setbacks or meaningful distances from existing residences, schools, churches, and businesses; so that to promote the health, safety, and general welfare of our citizens. Mr. Bock seconded the motion.

Substitute Motion – Failed:

Mr. Lucier made a substitute motion to send to the Commissioners our five (5) options developed by the Subcommittee for alternatives to open-use zoning, as requested by the Commissioners. Mr. Elza seconded the motion.

Broad discussion followed and Mr. Wilson stated call for the motion.

Mr. Lucier restated his motion to send to the Commissioners the document (distributed tonight and filed in the Planning Department) entitled, 'Chatham County Planning Board, Alternatives to Open Use Subcommittee, Options for Dealing with Unzoned parts of the county', along with the covering memo which describes the process acquired to achieve this document that defines the 'Pros and Cons' of the following five (5) options:

1. Do Nothing at This Time
2. Open Use Zoning in the part of Chatham Currently Unzoned
3. Extend Traditional Zoning in the Unzoned Part of Chatham
4. Zoning in Some Areas Currently Unzoned and Open Use Zoning in Other Areas
5. Combination of Zoning, Open Use Zoning and Unzoned Areas

Mr. Gaeta called the question with no objection from the Board. The motion failed 5-6 with Lucier, Elza, Arthur, Ford and Siverson voting in favor of the motion; and Copeland, Bock, Gaeta, Galin, Curtis and Wilson voting against.

Original Motion - Passed:

Discussion followed regarding Mr. Wilson's original motion stated above. Mr. Arthur suggested that the term, 'Interim' be removed from the motion but this was not done. The motion passed 6-5 with Wilson, Bock, Copeland, Curtis, Gaeta and Galin voting in favor of the motion; and Arthur, Elza, Ford, Lucier and Siverson voting against.

Motion to send Subcommittee report to Commissioners:

Mr. Lucier made a motion to send the report from the 'Alternatives to Open Use Subcommittee' (referenced above) to the Board of Commissioners. Mr. Elza seconded the motion. Discussion followed regarding proposed amendments to the pro and con sheets. The Board's vote on this motion was included in Ms. Curtis Substitute Motion.

Substitute Motion - Passed:

Ms. Curtis proposed a substitute motion to send the subcommittee report to the Board of Commissioners and to include the amended pro and con sheets she submitted recently to the Planning Board. Mr. Bock seconded the motion. Discussion followed. Mr. Lucier noted that Ms. Curtis' report was not a product of the subcommittee. Mr. Elza called the question on this motion. Ms. Curtis restated her motion that the Planning Board provide the Commissioners for their information the work products of the subcommittee 'Alternatives to Open Use Subcommittee' including Pro and Con sheets; and in addition, to provide a modified version of the Pro and Con sheets which she recently submitted to the Planning Board. The motion passed 10-0; Mr. Galin abstained.

Mr. Bock and Mr. Galin excused themselves from the meeting at this time. (7:02 pm)

Summation: Chair Copeland explained that the Planning Board's proposal is that the Commissioners consider zoning areas not currently zoned east of NC 87 and that the rest of the County remain as is; that the Commissioners consider adopting an ordinance that would regulate commercial gun-ranges; and that in addition, the Planning Board would send the Commissioners the report from the 'Alternatives to Open Use Subcommittee, and the addendum of the Pro and Con sheet Ms. Curtis submitted.

SUBDIVISIONS:

1. Request by Lewis Metty Development, Inc. for subdivision final plat approval of Cedar Mountain, Phase 3, consisting of 10 lots on 21.03 acres, located off Jones Ferry Road, SR-1540, Cedar Grove Road, and Cedar Mountain Road, Baldwin Township, parcel #'s 1721 & 1611.

Mr. Sullivan reviewed the agenda notes for this subdivision request. He stated that the Board of Commissioners approved Cedar Mountain Subdivision preliminary plat for 65 lots on July 16, 2007; that to date 24 lots have received final plat approval (Phases 1 and 2); that 18 lots have completed homes and three (3) are under construction; that this subdivision has roads built to NCDOT public, state maintained standards; that lot size ranges from 1.50 acres to 8.40 acres with a 2.3 acre average; and that this request is reviewed under the pre-2008 Subdivision Regulations. Mr. Sullivan noted that the project engineer has certified that 60% of the required infrastructure has been completed; that the applicant is requesting a financial guarantee be put in place to cover land use expenses for the infrastructure; that soils were evaluated and approved for lots 34-43 by Thomas Boyce, Chatham County Lead Soil Scientist and improvement permits will be issued for these lots; that there are four (4) off-site septic systems which are referenced in tonight's agenda notes under staff conditions; that the developer found it necessary to slightly realign the roadways, Cedar Grove Road and Pheasant Court; and that NCDOT would be reviewing this final line.

Mr. Sullivan stated that staff recommends granting final plat approval of Cedar Mountain, Phase 3 with the following five (6) conditions:

1. Prior to recordation of the final plat, the developer shall install all of the supply lines for the off-site sewage treatment systems at one time, use only gravel less systems, have one contractor complete all of the work, install the supply lines at least 30 inches deep, and provide certification of installation.
2. The final Mylar shall be revised to show a 30 foot wide private septic supply line /utility easement.
3. Prior to recordation of the final plat, staff shall receive copies of the septic Improvement Permits.
4. Prior to recordation of the final plat, the county attorney shall approve the form of the contract and financial guarantee.
5. Prior to final plat recordation, staff shall receive certification from the engineer that the roadways are accessible to emergency vehicles and the Fire Marshal has approved.
6. Plat must include a note indicating what entity will be responsible for road maintenance prior to NCDOT taking the road over for maintenance.

Kirk Metty, developer was present.

Board members discussed the four (4) off-site septic systems shown on the plat map.

Motion - Passed:

Mr. Lucier made a motion; seconded by Ms. Siverson to approve the request as submitted and as recommended by staff including six (6) conditions noted above. There was no further discussion and the motion passed unanimously (9 members) with Gaeta, Elza, Copeland, Arthur, Curtis, Ford, Lucier, Siverson and Wilson voting in favor of the motion. Note: Mr. Bock and Mr. Galin had left the meeting at this time.

2. Request by NNP Briar Chapel, LLC for subdivision Preliminary Plat approval of Briar Chapel, Phase 15 North, consisting of 50 lots on 20.32 acres, located off Andrews Store Road, SR-1528 and US 15-501 N, Baldwin Township, parcel #82828.

Mr. Sullivan reviewed the agenda notes for this request. He stated that this subdivision was approved under the Compact Communities Ordinance, Conditional Use District Rezoning and Conditional Use Permit; that this project has public roadways; that the cul-de-sac radii shown on the site plan do not meet the county requirements per Section 6.2(C) (1) of the pre-2008 Subdivision Regulation that states, "The minimum cul-de-sac pavement radius for curb and gutter section and shoulder section is 40 feet; and that the minimum right-of-way radius for curb and gutter section and shoulder section is 55 feet". He explained that the developer has acknowledged the discrepancy and will provide a revised site plan showing the correct radius requirements and will obtain a revised NCDOT road plan prior to approval of the preliminary plat by the Board of Commissioners; that staff recommends construction not commerce within Phase 15 North until documentation from NCDOT that the revision has been approved is received; that sidewalks are provided in this phase for pedestrian and bicycle circulation; that there are no private alleyways in this phase; and that no additional parking is proposed for Phase 15 North. Mr. Sullivan referenced the following specifics from tonight's agenda notes:

- Site Plan: Attachment # 3 is the site plan showing Phase 15 North.
- Permits: Agency permits required for preliminary plat approval have been received. You may view a copy of the permits at www.chathamnc.org/planning, 2015, Briar Chapel, Phase 15 North.
- Historical / Archaeological: The application materials state that there are no cemeteries or structures eligible for the National Register within the project area of Phase 15N. Staff has requested confirmation that there are no structures/cemeteries within Phase 15 N that are 50 years or older that are not eligible for the National Register.
- Road Names: The Emergency Operations Center has stated that the cul-de-sacs proposed on the site plat to be named Rosebank Drive will require an additional road name for addressing purposes. The developer has stated that the roadway will be named Rosebank North and Rosebank South. The road name 'Rosebank' has been approved as acceptable to submit for approval by the Board of Commissioners and

using North and South is acceptable to EOC. The correct road names will be shown on the final plat.

- Conditional Use Permit Stipulations: See attachment # 2 for an update on the status of meeting the Conditional Use Permit Conditions of approval.
- Water features: There is a perennial stream within Ph 15 North, as shown on the site plan, with a 100 foot wide riparian buffer along with a 10 foot no build area.
- Technical Review Committee Review: The Technical Review Committee met on September 16, 2015 to review the request. The comments/concerns were as stated above, the cul-de-sac radius and an additional road name. There was also discussion regarding the stormwater pond being located outside of the 10' no build area.

Mr. Sullivan stated that the Planning Department recommends granting approval of the road names *Rosebank North* and *Rosebank South* and preliminary plat approval of Briar Chapel, Phase 15 North as submitted with the following three (3) conditions:

1. The Developer shall provide staff with a copy of the revised NCDOT permit to meet the requirement of the pre-2008 Subdivision Regulations, Section 6.2(C) (1), prior to commencement of construction.
2. The cul-de-sacs shall have different names as required by the Emergency Operations Office and the names shall be shown on the final plat.
3. The final plat shall show the correct cul-de-sac radius as required in Section 6.2(C) (1) of the pre-2008 Subdivision Regulations as stated "The minimum cul-de-sac pavement radius for curb and gutter section and shoulder section is 40 feet. The minimum right-of-way radius for curb and gutter section and shoulder section is 55 feet".

Lee Bowman and Chris Seamster, project managers for the development were present and addressed questions from the Board regarding the proposed plat map, i.e. stormwater feature within 10 foot no build setback; lot widths on Rosebank Drive; side-yard setback; and drainage.

Sledd Thomas, an adjacent landowner stated that he and his wife have lived next to the Briar Chapel development since it started; that he is concerned with water quality and how run off and storm management is handled; that based on the topography map elevation is 540 feet; that at the bottom where the two streams come together and form a more bold stream the elevation is 440 feet; and that there is about a 100 foot slope down the hill funneling everything into the catch basin. Generally speaking Mr. Thomas has concerns about how the water is handled. He believes that the developers could use further supervision in how to slow run off down after a large event, before it is funneled into a culvert that funnels the water into an existing stream bed that is forced to handle peak loads that are in his opinion well over 10 year events.

Mr. Thomas referenced a document prepared for Newland Communities by CH2MHILL titled, "Environmental Impact Assessment" dated September 2004. He addressed Pages 20, 22 and 25 regarding water quality. These pages discuss how CH2MHILL assumed Newland Communities would handle development and lot clearing and additionally how the clearing of trees and forest lands would impact water quality and

the quality of the water runoff. Quotes from pages 20 and 25 of the Newland commission assessment are as follows:

Quote: from Page 20, Section 5.10.1.2 Environmental Impacts (3rd Paragraph):

“The State law requires that permanent ground cover be established within 15 working days from when grading is completed. The project will meet or exceed that requirement. Another effective method to minimize the time that bare soil is exposed is to develop the Site in phases. The Briar Chapel development will be completed in phases. In addition, to the extent practical, entire areas of home sites will not be cleared at a given time; rather lots will be cleared individually as houses are built which will minimize the amount of land cleared and greatly reduce the amount of time that the soil is bare.”

Quote: from Page 25, Section 5.11.3 Conclusion:

“While forested land will be reduced on site, much of the forested land will be preserved as open space. Using a conservative assumption that only riparian buffers and project boundary buffers will be forested, forest land will decrease from 88 percent to 30 percent. Since lots will be cleared individually to the maximum extent practical, the change will not be as dramatic as it would if the entire development was mass graded as often occurs.”

Motion to Table - Passed:

Mr. Gaeta made a motion to table this issue until the Planning Board has clarification about these allegations made by Sledd Thomas and noted above. Mr. Thomas was asked to clarify his allegations.

Mr. Thomas stated that Chatham County water quality personnel informed him that given the permit that is in place the developer has the right to use their best management practices, and while they are reportedly compliant his pond still turns brown from storm runoff and what appears to be water moving entirely too fast. Using the large plat map, Mr. Thomas indicated the location of his pond in relation to these proposed 50 lot; and stated that he agrees that his pond will not be directly impacted by the development of phase 15, but his concern is about how rain water is handled by the developer. He raised the question, if the development was approved based on the assumptions of the Newland Communities, Environmental Impact Assessment, then there seems to be a discrepancy between CH2MHILL assumptions in 2004 and their current development practices, which appears to use mass grading.

Board discussion followed concerning runoff and water quality. Mr. Lucier suggested that personnel from Chatham County Environmental Health, Erosion and Sedimentation Department as well as representatives from Briar Chapel (Newland Communities) review the Environmental Impact Assessment referenced above; and that the Planning Board revisit this issue at next month’s Planning Board meeting when more information is available. Chair Copeland noted, 1.) Are we doing what the Environmental Impact Assessment said we are to do? and, 2.) Are county requirements being followed?

Mr. Elza seconded Mr. Gaeta’s above motion to table this issue until the Planning Board has clarification of Mr. Thomas’ allegations stated above. The motion passed

unanimously (9 members) with Gaeta, Elza, Copeland, Arthur, Curtis, Ford, Lucier, Siverson and Wilson voting in favor of the motion. Note: Mr. Bock and Mr. Galin had left the meeting at this time.

3. Request by NNP Briar Chapel, LLC for subdivision Final Plat approval of Briar Chapel, Phase 11 South, consisting of 80 lots on 21.5 acres, located Andrews Store Road, SR-1528 and US 15-501 N, Baldwin Township, parcel #2714.

Mr. Sullivan reviewed the agenda notes for this subdivision request (also initially approved under the Compact Communities Ordinance, Conditional Use District Rezoning and Conditional Use Permit.) He stated that this request is for final plat approval of 80 lots; that this is a portion of Phase 11 that received preliminary plat approval for Sections 1 & 2 and consisting of 200 lots; that Briar Chapel, Phase 11 North (Section 1) received final plat approval on August 17, 2015 for 124 lots; and that four (4) lots have been added to the Phase 11 layout. Roadways, road names, and financial guarantee were reviewed as follows:

- Roadways: Public and private alleyways.
- Road Names: The final plat shows the road name 'Old Spring Road'. The Emergency Operations Office stated at the preliminary plat review that the name 'Old Spring Road' was a duplication and could not be used. The road name will be changed on the final Mylar to 'Cold Spring Road'. The other road names shown on the final plat, Black Walnut Trail, Walden Oaks Lane, Old Coach Road, Quarter Gate Trace, Wild Indigo Way, Maple Leaf Lane, have been reviewed and reserved by the Emergency Operations Office and approved by the Board of Commissioners during the preliminary plat review.
- Financial Guarantee: A financial guarantee is being requested for the completion of required infrastructure. Per the engineer 51% of the required infrastructure has been completed and additional work may be completed prior to final plat recordation. The pre-2008 Subdivision Regulation requires that 40% of the required infrastructure be completed prior to submittal of a final plat request. The contract and form of the financial guarantee will require review and approval by the county attorney prior to final plat recordation. Prior to final plat recordation, the engineer will be required to provide staff with a letter certifying that the roadways are accessible to emergency vehicles and the Chatham County Fire Marshal must approve in order to meet the requirement that the health and welfare of the public not be endangered.

Mr. Sullivan stated that the Planning Department recommends granting final plat approval of Briar Chapel, Phase 11 South as submitted with the following three (3) conditions:

1. Prior to final plat recordation, the road name 'Old Spring Road' be changed to 'Cold Spring Road'.
2. Prior to final plat recordation, the county attorney shall review and approve the form of the financial guarantee and contract.
3. Prior to final plat recordation, staff shall receive certification from the engineer that the roadways are accessible to emergency vehicles and the Fire Marshal has approved.

Lee Bowman and Chris Seamster, project managers were present.

Motion to Approve – Passed:

Board members discussed condition #3 (as stated above) and side-yards. Mr. Gaeta made a motion; seconded by Ms. Curtis to grant approval of the request as submitted and as recommended by staff with the three (3) conditions noted above. There was no further discussion and the motion passed 8-1 with Gaeta, Curtis, Copeland, Arthur, Ford, Lucier, Siverson and Wilson voting in favor of the motion; and Mr. Elza voting against.

North Chatham Fire Department Representative: A citizen (who did not state his name) spoke regarding the efforts North Chatham Fire Department is currently making relative to the Briar Chapel development. He asked for clarification from Briar Chapel representatives on the following:

- North Chatham Fire Department has currently torn down an existing fire station adjacent to this development and is erecting a two-story fire station; that the reason this had to be done was because the developer's initial proposal contributed land for a fire station; that with the set-backs placed on the building site, North Chatham was unable to build a fire station that would serve their needs; and that in addition, since this is on an existing lot and across the road from what was given North Chatham initially, North Chatham requested to tap into Briar Chapel's water system which the developer denied.

Lee Bowman, project manager stated that some of the above statements are not accurate; that there have been long negotiations with the county on donating the site and how to work out the joint facility for the different entities (i.e., fire and EMS); and that the fire department could not meet county required set-backs to fit their needs. Mr. Bowman cited that the developer tried to work out a deal with North Chatham Fire Department regarding the sewage system (with obligations to the county); and that water would be provided by the county, not Briar Chapel.

IX. ZONING:

1. A request by the Governor's Club Property Owner's Association, Inc. for a text amendment to the Chatham County Zoning Ordinance, Section 7.2 Definitions and Section 10.13 Table of Permitted Uses to change the definition and allowances for Family Care Homes within the R1, R2, R5, and O & I zoning districts.

The following citizens spoke regarding this request:

- Judi Anderson, 11415 Governors Dr. – stated that she wanted to make sure everybody understands what it is that they are talking about; that this is not Governor's Club but something that can affect the entire county; that what's going on around the country and elsewhere is that county municipalities have decided that family care homes (which house six (6) people and fewer) should not be clustered together; that they are not saying to not have family care homes but simply saying don't cluster them; that this is an important principle; that the nature of family care homes is that they are intended for people who have disabilities, i.e. elderly, physical

disability; and that she brings this concern to the Board's attention that Pittsboro and surrounding counties should have appropriate zoning for family care homes.

- Andrew Levin, 10394 Holt Dr., Governor's Club – stated that he is here tonight as a resident of Chatham County because he believes this is an issue that can affect all residential areas of Chatham County; that this is a subject that has to do with a loophole in the Law that allows for clustering of homes that can affect the intent of family care homes; that we need to consider the relevant statute that created family care homes and adult care homes that covers people with all disabilities, i.e. alcohol and/or drug dependency, handicap, elderly; that more importantly whatever is done with family care homes in the county applies to all these groups; that you cannot carve out one group thus treating one protective class differently from another which is the type of discrimination the Law is designed to prevent; that we need to review the intent behind the concept of the family care home which is to allow disabled people to live within and blend in to mobile residential neighborhoods; that how exercising the option before the Planning Board insures that the residential character of neighborhoods is maintained so the intent of the Law can be fulfilled; and that he cannot do this in the time permitted but would be present at further Board discussion to offer additional information on:
 - the intent of the Law
 - the differences between family care homes and adult care homes
 - how adult care homes are different from family care homes and subject to different rules
 - why the Law is written the way it is
 - why this option the Board is considering exists, and
 - how the absence of this option can hurt any residential neighborhood in Chatham County.

Mr. Levin noted that he hopes the Board will see that adopting this restriction would do three (3) things:

1. allows a family care home to exist anywhere within Chatham County within the intent of the Law
2. by protecting the residential character of our neighborhoods it will insure that family care homes accomplish what the Law intended, and
3. prevents for-profit developers from exploiting the loophole circumventing the intent of the Law and potentially harming our residential neighborhoods.

He cited that the concept of the family care home is created to be a balanced compromise between two sets of constituencies; that without the adoption of this amendment this balance is lost; that he doesn't think that adopting this amendment hurts anyone other than the for-profit developer who is looking to circumvent the Law and get around the intent of the Law; and that other than this it would help everybody and allow family care homes to exist.

- Marla Benton, Governor's Club PUD, Governor's Lake – stated she was a long-time resident and a nurse; that she is very familiar with senior crisis in Chatham County and Orange County; that the family founded this proposal because they had an issue with housing for their mother and wanted to keep her within their own community; and that limiting or restricting would cause issues for Chatham County

citizens to be able to help transition senior residents in the county including Governor's Club so they are able to stay in their community.

- David Rosenberg, Governor's Club – stated that he doesn't think that there is any lack of assisted care facilities in Chatham County; that the purpose of this particular statutory provision was to allow this type of facility to be put in a residential area; that his understanding of the history was that in the 80's mentally ill people were being let out of large institutional facilities and had to go somewhere so the concept of this type facility in a residential community was advised; that it wasn't intended to have these very close together (which would defeat the purpose of moving into a residential community); that residents are asking that there be a separation between the units (and not allowed to cluster); and that he sees no reason not to approve the request.

Mr. Sullivan reviewed the agenda notes for this text amendment request. He stated that the public hearing was held on August 17, 2015 and two people spoke (one in favor and one apposed); that a general overview of those comments are referenced in tonight's agenda notes; and that copies of the draft minutes and hand-outs from the public hearing are included in tonight's agenda packet. Mr. Sullivan cited that this item was on last month's Planning Board agenda but the applicant asked that it be postponed until this month; that also included in tonight's agenda packet is a report from UNC School of Government provided by staff specifically regarding family care homes addressing some of the statutory issues associated with family care home regulations; and that the Statute allows local governments to impose up to a ½ mile separation between family care homes. Mr. Sullivan referenced some specifics from tonight's agenda notes as follows:

Currently the Chatham County Zoning Ordinance defines a Family Care Home as "a home meeting the NC Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment." These homes are currently permitted by right in residentially zoned districts for up to six residents and Office and institutionally zoned areas. Until now, there have been no issues with family care homes or an influx of such a type of housing within the county's jurisdiction.

Chatham County has several institutional facilities for those who have disabilities and can no longer manage their activities of daily living. In a family care home setting, most are still able to drive, manage the majority of their ADLs, and still interact with their communities as would anyone else.

Some jurisdictions do have separation regulations within their zoning ordinances for family care homes. Within Chatham County, the Town of Pittsboro's zoning ordinance states "Family Care Homes are private residences for aged and disabled adults who may require supervision and assistance with personal care needs. Family Care Homes are owned by providers who live with the residents they serve. They must maintain a license with the State of North Carolina, are limited to six residents and may not be closer than a 2640 foot radius to another Family Care Home." The Town of Siler City is said to have a ½ mile separation as well but staff was unable to locate that in their UDO.

Per the NC Building Code, Section 425, define family care homes as residential care facilities. Section 425.3 Small Residential Care Facilities keeping no more than six (6) residents shall be classified as single family residential and therefore would not be regulated as a commercial property.

One question posed during the public hearing was whether a homeowners association could enforce a separation requirement for family care homes. Staff received an interpretation from the County Attorney, Jep Rose, concluding that homeowners associations are prevented from enforcing family care home separation requirements and that it is left to local government if they choose to adopt a standard.

Mr. Sullivan stated that based on the information provided, it is Planning staff recommendation to deny this request and not recommend any text amendments that would further attempt to regulate family care homes for up to six persons; that the Planning Board has up to three (3) meetings in which to make a recommendation to the Board of Commissioners; and that if the Planning Board makes a recommendation for adoption of the text amendment, a consistency statement will also need to be recommended to the Board of Commissioners.

Motion for 1300 Foot Separation - Failed: Following Board discussion regarding a separation requirement for family care homes, Mr. Elza made a motion to impose a 1300 foot separation. The motion failed for lack of a second. Discussion followed regarding, 1.) need for family care homes in Chatham County, 2.) issue of separation requirement, and 3.) concern of owners using the loophole feature.

Table:

It was the consensus of the majority of the Board to delay recommendation on this issue until the November 2, 2015 Planning Board meeting; and that at that time staff to provide additional information on surrounding counties (i.e., Lee and Harnett) about their provisions.

X. NEW BUSINESS:

1. *Representative to attend Pittsboro Planning Board meetings*

Mr. Lucier stated that the Planning Board needs to appoint a member to attend the Pittsboro Planning Board meetings. It was noted that we would also include the Town of Siler City and the Town of Goldston. Chair Copeland stated that he has been waiting on something official from the County Commissioners on this matter.

2. *Board Members Input at Meetings*

Chair Copeland asked that Board members consider whether or not Planning Board members should interact with citizens comments; and that this issue be discussed at next month's Planning Board meeting.

XI. PLANNING DIRECTOR'S REPORTS:

1. *Minor Subdivisions / Exempt Maps*

Mr. Sullivan stated that this update was included in tonight's agenda packets.

2. *Comprehensive Plan Update*

