



**Chatham County Planning Board  
Approved Minutes  
October 3, 2017**

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:

George Lucier, Chair  
Caroline Siverson, Vice Chair  
Bill Arthur  
Jon Spoon  
Tony Gaeta  
Emily Moose  
Allison Weakley  
Gene Galin  
Jim Elza  
Jamie Hager

Absent:

Brian Bock

Other: Diane Hales County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director  
Angela Birchett, Planner II/Zoning Administrator  
Paula Phillips, Clerk to the Planning Board  
Cara Coppola, Planner II

I. INVOCATION AND PLEDGE OF ALLEGIANCE:

Mr. Galin delivered the invocation and afterwards everyone stood and recited the Pledge of Allegiance.

II. CALL TO ORDER:

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

III. DETERMINATION OF QUORUM:

Chair Lucier stated there is a quorum (10 members were present, one absent)

IV. APPROVAL OF AGENDA:

Approval of the Agenda

- V. APPROVAL OF THE MINUTES: Chair Lucier asked for approval of the September 2017 minutes. Motion to approve made by Mr. Elza with revisions as outlined by Ms. Weakley; seconded by Ms. Moose.

Motion passed unanimously 9 in favor 0 opposed

VI. PUBLIC INPUT SESSION:

- Mr. Carl Pacoreck of 2323 Buckner Clark Rd reported that he has concerns about the in foliated plants up and down 64. One question was, do we know what is being sprayed and how much they are using? He also would like to know what the effects to the environment are. In addition, he wanted to know if Chatham County has given permission to Duke Energy for these sprays to occur in the county. Mr. Parcoreck wanted to know as a county, can we request that we do not want these to occur? What are the detrimental effects? He expressed the defoliant concerns that kill off plants, he stated that he has a pond on his property and does not want these chemicals going in it. He believes the chemical spray is associated with disease and asked does it kill the birds and what other environmental threats are there?

Chair, Lucier explained that property owners can request that the sprays not be done on their property. Mr. Sullivan will provide Mr. Paoreck with the Duke Energy contact information. Ms. Weakly also stated that there should have been and insert provided in their monthly bill with contact information and notification about the spray occurring in their area. Mr. Galin indicated that he may want to contact the Public Utility Commission.

- Mr. Josh Laramie said that he was going to provide the same speech tonight that he gave during last month's BOC meeting regarding the proposed Future Land Use and Conservation map. The current map does show there is conservation area going up through Terrells Creek and the previous map showed that it went all the way up Terrells Creek. He believes the map is a good thing, to please protect Haw River, Terrell's Creek, Chatham County, Farms, Wildlife, etc. He said that he and his family own 115 acres in the Terrell's Creek area and to please protect the watershed, farms. Chair Lucier said that the Planning Board will be reviewing the map tonight.

VII. SUBDIVISION:

Chair Lucier reported there were no Subdivision items this evening.

VIII. (LEGISLATIVE REQUEST)

1. A rezoning request by Elkins Sawmill, Inc. of the remainder of Parcel 5595 from R1, Residential, to IH, Heavy Industrial which is approximately 57.41 acres out of the 71.775 acre tract.

Ms. Birchett reviewed the agenda notes for this request as follows and noted that she has done research and cannot determine why part of the property was rezoned and not the other:

*Introduction & Background:*

A legislative public hearing was held September 1, 2017. Planning staff opened the request for review. The applicant's attorney, Hayes Finley, presented the standards and reason for rezoning request.

*Discussion & Analysis:*

With a general use rezoning request, the Planning Board and Commissioners must consider all uses that are allowed by right or with a conditional use permit within the Heavy Industrial district. Section 19 of the Chatham County Zoning Ordinance outlines four standards that must be addressed for this type of zoning map amendment.

Ms. Birchett continued to say that the property is approximately 71.775 acres with 57.41 zoned R1, Residential, and the balance zoned IH, Heavy Industrial (see attachment 1). The adjoining properties are zoned R1 and IH. The uses on this and the adjoining properties is primarily timber management and open fields with some properties containing Harris Lake, which is used as part of a nuclear power facility located within Wake County. The watershed designation for the property is Local on the north side of King Road and WS-IV Protected Area to the south (see attachment 2). Neither watershed designation poses any issues with the IH zoning designation. There also no special flood hazard areas on the property under the currently approved flood maps or the new flood maps scheduled for adoption in November 2017. The adjoining properties in Wake County are owned by Duke Energy and is zoned R80, Residential (see attachment 3).

1. In response to any alleged error in the Ordinance, if any, which may be remedied by this proposed amendment, the applicant is not making a claim of an error in the ordinance.

The applicant is not claiming an error in the Ordinance, but notes that the zoning is inadequate and unreasonable based on the existing heavy industrial zoning in the area and a nuclear power facility within close proximity that includes large tracts of land owned by Duke Energy.

- o **It is planning staff opinion this standard is met.**

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

The applicant stated this area has historically been used for industrial uses or is zoned for those uses. The total acreage for the parcel is 71.775 and a portion of the property on the north side of King Road is zoned Heavy Industrial leaving approximately 57.41 acres zoned residential.

The applicant states the surrounding area is not desirable for residential use based on existing uses that include a nuclear power plant, brick manufacturer, and a sawmill. Additionally, large portions of the surrounding area were zoned industrial in the early 1990s. The uses for the adjoining properties appear to be primarily in forestry use, including property in Wake County. Those properties are owned by Duke Energy and include Sharon Harris Lake area and the nearby nuclear plant.

○ **It is planning staff opinion this standard is met.**

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans. The adopted Land Conservation and Development Plan directs development to areas suitable for different land use categories. The plan includes that “more intensive land uses, e.g. commercial, high density residential and industrial, are concentrated in or near Chatham’s existing towns, in designated economic centers and in clustered and mixed use developments.” The Moncure-Haywood area is listed on Page 34 as a location that “may take advantage of industrial potential in the area, together with extensive transportation and water/sewer infrastructure.”

The application also had information from the proposed, but not yet adopted, Comprehensive Land Use Plan Suitability Study that highlights this area as having higher suitability for industrial use.

○ **It is planning staff opinion this standard is met.**

4. Other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment. The applicant states that their current business operation needs to expand and their desire is to remain active in the county to support employment opportunities and revenue.

○ **It is planning staff opinion this standard is met.**

**It is planning staff opinion based on all standards being met that this area is suitable for heavy industrial zoning and therefore should be recommended for approval.**

**Recommendation:**

The Planning Board is requested to review the rezoning application and make a recommendation for approval or denial to the Board of Commissioners. You have up to three (3) meetings in which to provide that recommendation.

Should your recommendation be for approval, it is requested you also review and approve a consistency statement. A proposed statement is provided below.

**It is the opinion of the Planning Board that the rezoning request to rezone the remainder of Parcel No. 5595 being approximately 57.41 acres of the 71.775 acre tract, is consistent with the goals and objectives of the Land Use Plan of Chatham County. Specifically, the Plan seeks to support the continuation of existing business and industry in the Moncure-Haywood area.**

Ms. Birchett reported that the owner nor the representative were here to address any questions.

Board discussion followed-Some items discussed were as follows:

- If it gets rezoned Heavy Industrial, What would the buffers be?
- Is the property surrounded by industrial uses? Ms. Birchett indicated yes, it was
- The 27 acre parcel would be more sensitive
- General rezoning for the entire property is not favorable
- Is Parcel 5337 owned by Duke Energy? Owned by CP&L, Parcel 5599 is owned by ITAC Real Estate Company Robert Cutler
- Is there a cemetery on property? Mr. Sullivan said no, that it is located on the north side, and it appears a recombination survey was done and it is on the CP&L property.
- Why did the owner not opt for the CUP request? Ms. Birchett said that he addressed that in his Application Request and some reasons noted were, he did not have time to do a site detail, impact statement, EIA, cost time and endangered species.
- Is his mulching on ground or on concrete?
- Were there any residential neighbors that attended the Public Hearing to speak? Ms. Birchett indicated no there were not
- If fully rezoned with other uses and if rezoned heavy industry, by right, once zoned the sawmill does not require to be permitted
- What is the built upon area? Limited to 36%

- Concerns and opposition about it being developed Heavy Industrial, effects to wildlife, adjoining property has controlled burning and hunting. The property adjacent is designated Harris Game Land

Ms. Birchett and Mr. Sullivan addressed the board's questions.

Mr. Spoon made a motion to approve the request, seconded by Mr. Galin.

Motion passed, 8 to 1 Ms. Weakley opposed

Mr. Spoon made a motion to approve the Consistency Statement, seconded by Mr. Galin.

Motion passed, 8 to 1. Ms. Weakley opposed

2. Request by the Chatham County Board of Commissioners for a Public Hearing on the proposed Chatham County Comprehensive Plan.

Chair Lucier, started off saying that Ms. Coppola would give a brief presentation because there were timeline issues that came up at the last meeting about some people were not clear about the process, who was involved and how long it has taken.

Chair Lucier said that the board will first, start out with the maps and then go chapter by chapter, not word by word and try to conceive consensus. If there is a disagreement we will reflect on that and then take a vote. He reminded the board that tonight should not be about typos or small issues, it should be focused on significant issues. All members agreed to deliberate in this manner. Ms. Coppola requested that typos be emailed or if you are hand writing your documents those can be scanned.

Ms. Coppola will be taking specific notes regarding all requested changes in order to make change and provide necessary information to the consultants for editing. She will also compile and provide this information to the Chair and Vice-Chair.

Mr. Sullivan introduced Mr. Greg Payne, he is a sub-consultant with Land Design, and he has been involved with the process since January of last year. He can help answer any questions the board may have about the Comp Plan.

*Introduction and Background:* In the fall of 2015, the Chatham County Board of Commissioners appointed a steering committee to oversee the development of a comprehensive plan for Chatham County. The steering committee and planning department staff have been working with Land Design; a consultant hired through an RFP process, to develop the plan. After much public involvement and refinement, the final draft of the Chatham County Comprehensive Plan is complete. Staff and the steering committee have reviewed the final draft, the draft was released for public comment online from July 17<sup>th</sup> to Aug 28<sup>th</sup> 2017. A public hearing was held August 21<sup>st</sup> 2017 at 6 PM at the Board of Commissioners regular meeting where the plan was referred to the Planning

Board to review and provide recommendations. To view the final draft and Digital Appendices visit [www.chathamnc.org/comprehensiveplan](http://www.chathamnc.org/comprehensiveplan) .

***Discussion & Analysis:*** Having read the entire document, members will come prepared to provide their individual list of items for discussion and/or clarification. Planning staff will provide an overview on the highlights of the plan.

Public Comment on the draft has been received. Approximately 30 comments have been recorded and are posted on the county website under the Public Comment section of the comprehensive plan webpage; overall there was general support for the plan. Comments and concerns were regarding the following: continued increase and careful consideration to tax base revenues/job growth in the county, concern about conflict and traffic of residential and commercial centers and the traffic, concern about affordable housing, comments for consideration to the health obesity section. Also specific locational community needs/amenities were requested, consideration to landscaping improvements/requirements, environment and climate change readiness were also noted. Public hearing comments included that there was insufficient representation on the steering committee from the western portion of the county; that the conservation area should be extended to Terrells Creek; concerns about the community center commercial node at the intersection of Polks Landing Road and 15-501; and the link between the plan and climate impacts could be strengthened.

The Planning Board discussed their overall comments and questions on the Plan at the September 5<sup>th</sup> meeting. Comments included map changes, formatting, items that needed further emphasis, and new ideas. Attachment 1 has been included to provide an overview the key stages in the plan development and staff will review this during the October 3 meeting. Attachment 2 has been added at the request of Mr. Elza who served as the Comprehensive Plan Steering Committee Chair.

***Recommendation:*** Discuss Comprehensive Plan and provide a recommendation to the Board of Commissioners

Board discussion followed and there was a consensus on the following:

**Future Land Use Map Section**

- *Conservation designation should be extended to match previous versions of the Future Land use map (Terrells Creek)*
- It was noted that there will be a Chatham Park near the ETJ, the board would like the area north of the Haw River to Farrington to be incorporated in the Big woods area. This would be almost up to the east side of 15-501. The request is that it be designated a conservation area.
- Gum Springs village is still designated as a Village Center, instead of a Crossroads Community Center it is recommend that we demote that to a Crossroads Community. This is located at Silk Hope Gum Spring Rd at 87

- Move purple blob attached to Goldston a little south of 15-501 (employment center) but still connected to the Goldston blob, around 4:30
- Look at more contrasting colors, size and adding symbols

Some other items discussed by the board with no consensus:

- Show name of Mt. Gilead Church Road
- Need to have linkage/connection between Terrells Creek and Dry Creek, Gum Springs Conservation area (North side of Road) will come back to this and vote
- Capture in the narrative land banking, County purchases
- Bridge Parks would be a good thing for Chatham County, Rocky River, Nature Preserve
- Be more assertive about reserving land for schools
- Justice Tract is not labeled, State Park is looking at putting a canoe access, possibly camping. Someone should follow up with the State Parks about their plans in this area
- Color for the future Parks and existing, needs to be differentiated
- Double check numbering in the table of Contents
- Check credit for pictures
- Change or remove the photo of cows in the pond

Chapter 1-Items discussed-no consensus

- County Water expansion needs to be in there
- County wide zoning should be in there
- Graphic needs labels
- Figure 1 needs legend, what is the green area?

Chapter 2 Big Picture-no consensus

- Graph on page 13 separate by distance
- Page 14 make sure statistics are correct for Housing Permits
- Page 15 need more recent job data, currently shows negative trend
- Page 19, History seems more of White History. What is meant by Low Native Impact Tribes? Incorporate the trauma of the Civil War and slavery
- Add language about Impact Fees
- Page 27, graph issue, number of farms is incorrect
- If Chatham County is the highest increase of rural and Agriculture Property, that should be stated
- Page 25, What does research show about the millennials and seniors living in the same neighborhood?
- Page 25, add units to the apartments



- Page 22, can we put Bynum on the Chart?
- Page 18, bottom of page, is there a reference?
- In calculating affordability are they looking at household or individual income?
- Page 20, tax base, why are we being compared to Durham and not Orange County?
- Comment about “difficult to recruit skilled workers”, comment needs more color. Which skills are difficult to find?
- Page 23, Figure 6, map with green has no legend, yellow blends with yellow. Text box hard to read, background muddles it.
- Page 33, Unique Assets-There are 49 rare, threatened or endangered species, this number comes from the Big Woods Conservation Guide. Natural Heritage natural areas should be 52.

Chair Lucier informed the board members that Chapter 3- 4 (Pages 38-157) will be reviewed at the Special Meeting to be held on October 17, 2017. He encouraged all members to continue to read through the Comp Plan prior to the meeting.

IX. COMPREHENSIVE PLAN UPDATE & DISCUSSION:

X. NEW BUSINESS:

XI. BOARD MEMBER ITEMS:

XII. PLANNING DIRECTOR’S REPORTS:

- **Minor Subdivisions/Exempt Maps** - Information was included in tonight’s agenda packet for your review

Mr. Sullivan reminded Board members about their Public Hearing item provided in tonight’s packet for the Anderson rezoning. This will be the only PH item for this month’s BOC meeting scheduled for October 16, 2017.

He also reported that there will be a Special Meeting on October 17, 2017 to finish the Comprehensive Plan document. Mr. Sullivan said there would be a Natural Gas study presentation at the October 16, 2017 BOC meeting and that Ms. Coppola has posted that information on the Planning Board website. In addition, the Planning Board will be presenting the Business Rezoning’s of 500 properties at the October 16, 2017 BOC Work Session.

XIII. ADJOURNMENT: There being no further business, the meeting adjourned at 9:35 p.m.

Signed: \_\_\_\_\_ / \_\_\_\_\_  
George Lucier, Chair                      Date

Attest: \_\_\_\_\_ / \_\_\_\_\_  
Paula Phillips, Clerk to the Board                      Date