

Minutes – Subdivision Regulation Subcommittee

November 28, 2007

11:00 am to 12:30 pm

Attendees: Paul Black, Barb Ford; Sally Kost; Judy Sharman; Del Turner; Keith Megginson, Frank Thomas

The sub- committee compared notes and updated the flow chart of the proposed process.

The following changes were made:

- Include “Mandatory” before “Community Meetings”
- Note that although the Green Building Task Force is not a sustained committee; that a checklist should be developed to include review points to cover green building
- No decision was made as to the threshold for when this process will be used (such as number of lots, number of acres, etc.)
- Spacing issues (text cut off) need to be fixed.
- No decision was made regarding when in the process, a public hearing should be held.

The sub-committee will report to the full Planning Board on December 4 of our work to date, and share the flow chart of the proposed process.

The group discussed quasi-judicial proceedings. Paul informed the group that because the entire committee is not zoned, we cannot use conditional use for subdivisions, because this provision would be part of the Zoning Ordinance. The committee asked Paul to look into this further, since the charge to the committee includes developing a process that provides for the commissioner judgmental standards in deciding on subdivisions. Sally will talk to George Lucier and Allison Weakley regarding this issue.

Regarding fines for illegal subdivisions (McDowell Place example), Paul Black states that Wake County has a good policy (for purposes of distribution, Wake and Chatham’s policy is shown below:)

WAKE COUNTY 20-14-3 Civil Penalty

- (A)** Violation of this ordinance subjects the violator to a civil penalty in the amount of \$100 per day. The Planning Director imposes a civil penalty by giving the violator a written citation, either in person; by

certified mail, return receipt requested; or by first class mail if the certified mail is refused or unclaimed. The citation must describe the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the county within 10 days of the date the citation is received or presumed to have been received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, Wake County may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

(B) Each day's continuing violation is a separate and distinct offense.

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10.27

CHATHAM COUNTY SUBDIVISION REGULATIONS PAGE 112
1.14 Prohibited Acts, Enforcement, and Penalties

E. The County may enjoin illegal subdivision, transfer or sale of land by action of injunction. Further, any person who violates this document shall be subject upon conviction to the penalty provisions of General Statutes 14-4. Any violation of these regulations shall constitute a misdemeanor and violations of such provisions shall be punished by a fine or by imprisonment for a term not exceeding 30 days, as provided in N.C. General Statute 14-4.

F. Any violation of the provisions of these regulations or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50.00 per day for the first violation. If the same violation occurs on the same property within six (6) years after the initial violation is remedied, a civil penalty in the amount of \$100.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the second occurrence of the violation is remedied, a civil penalty in the amount of \$200.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of \$500.00 per day shall automatically apply. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense.

Regarding walkability, Paul indicates that our existing subdivision regulations are good (page 59) but that we will probably want to include exceptions and other language.

Regarding Rural Roads (page 46) we will want to add pedestrians, limit cul d sacs and reset language since the Legislature gave County's some authority regarding roads.

Paul also indicated that Georgia has a good tool kit regarding best practices.
<http://www.dca.state.ga.us/>

Our next meeting is December 10 at 12:00 at CCCC, Building 1, Conference Room 1.