



**Chatham County Planning Board  
Minutes  
February 5, 2020**

The Chatham County Planning Board met in regular session on the above date in the Chatham County Agriculture & Conference Center, Pittsboro, North Carolina. Members present were as follows:

Present:

George Lucier, Chair      Caroline Siverson, Vice-Chair  
Clyde Frazier              Jamie Hager  
Bill Arthur                  Gene Galin  
Cecil Wilson                Jon Spoon  
Franklin Gomez Flores    Allison Weakley

Absent:

Emily Moose

Planning Department:

Jason Sullivan, Planning Director, Angela Birchett, Zoning Administrator, Hunter Glenn, Planner I, Daniel Garrett, Clerk to the Planning Board.

- I.      INVOCATION AND PLEDGE OF ALLEGIANCE:  
Mr. Wilson 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 present, Ms. Moose was absent)
  
- IV.    APPROVAL OF AGENDA:  
Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the Agenda. There were no objections and the agenda was approved.
  
- V.     APPROVAL OF THE MINUTES:  
Chair Lucier asked for consideration for approval of the January 7, 2020 minutes. There were minor corrections by Board members and the January 7, 2020 minutes were approved. Motion was made by Ms. Weakley to approve; second by Mr. Arthur. Motion passed with a vote of 10-0, unanimous.
  
- VI.    ELECTION OF OFFICERS:  
Election of Planning Board Chair and Vice-Chair. Mr. Lucier was nominated to Chair by Ms. Siverson. There were no objections and Mr. Lucier was voted as Chair 10-0 unanimous. Ms. Siverson was nominated by Mr. Arthur to be Vice-Chair. There were no objections and Ms. Siverson was voted as Chair 10-0 unanimous.

## VII. PUBLIC INPUT SESSION:

There were two citizens signed up to speak about Briar Chapel wastewater treatment.

- Ms. Stacey Donelan of 112 Treywood Lane stated there is some unhappiness within Briar Chapel about their wastewater treatment plant and the Fearington wastewater treatment plant connection. She attended a meeting with a developer discussing the plans for William's Corner and their plan to connect to the Briar Chapel wastewater treatment plant for the 540 apartments and commercial development. Ms. Donelan stated this seems to have been in the works for 2 or 3 years, but the Briar Chapel treatment plant isn't a regional treatment plant yet. Briar Chapel residents have been attending meetings to voice their opposition to outside development tying into their wastewater treatment plant and she also mentioned a new subdivision named Durham Farm with an expectation to use the Briar Chapel plant as well. Ms. Donelan wanted to bring this to the Planning Board so they are aware of future development ideas and the false idea that Briar Chapel wastewater treatment plant will be a regional wastewater treatment plant. The current plant owners have not been good stewards of the plant and to the people of Briar Chapel. Residents cannot fathom the kind of disruptions and problems Chatham County as a whole will have with all these developments popping up in north Chatham area that would be serviced by Briar Chapel. Ms. Donelan stated this is a plea and also a warning about service, not to approve their application for transfer of ownership and any other developments tying into Briar Chapel. Ms. Donelan thanked the Planning Board.

Chair Lucier stated William's Corner has just submitted their application to the Planning department and there will be a public hearing in March at the Board of Commissioners meeting. The William's Corner item will probably be on the April or May agenda for the Planning Board and then move on to the Board of Commissioners.

Ms. Weakley stated Briar Chapel has a permit through the State for their wastewater treatment plant, but she had not seen it and raised questions about Fearington Village transferring wastewater to the Briar Chapel plant. Chair Lucier stated the plant has a 750,000 gallon per day capacity and the permit allows them to build it in stages. Ms. Donelan stated the plant is currently running at 250,000 per day and having issues, this is why the community is concerned about outside development also using the plant.

- Ms. Donna Sukkar of 489 Cliffdale Road stated she is the main coordinator for the Steering Committee in Briar Chapel that is addressing the issue with the regional wastewater treatment plant. She has read the permit and it is 750,000 gallons per day and progressing with increases of 250,000 per day, but she is not sure where they are in that cycle. She stated they have their first meeting with legal counsel tomorrow and will have a better understanding then. They have read the amendment change that was provided and thanked the Planning Board and Planning staff and this gives them some piece of mind. Ms. Sukkar stated right now they are doing a lot of research and trying to determine how they got to this point right now with the wastewater treatment plant. They want to know how Briar Chapel went from being a beautiful green community with a wastewater treatment plant to serve the community to becoming a regional wastewater treatment plant that is positively not in the interest of the homeowners. Briar Chapel covenants clearly state that there shall be no easement on our property unless it is for the benefit of Briar Chapel. Ms. Sukkar stated the only benefit she sees about this pipeline going to Fearington is for Mr. Fitch and for the developer. In closing, Ms. Sukkar thanked the Planning Board and they will continue to fight to not let Briar Chapel become a regional wastewater treatment plant in the backyards of the homeowners in Briar Chapel.

Chair Lucier stated he was at the Public Hearing and heard the argument from the public and the Planning staff had made the changes in the amendment.

- Mr. Richard Sukkar of 489 Cliffdale Road invited all of the Planning Board members to come out to Briar Chapel to view the wastewater plant, see where it is located, the number of homes that are directly around it, and how the people are impacted by it. He stated the regional wastewater plant should be located down on Newlands property. Mr. Sukkar thanked the Planning Board.

Chair Lucier stated many of the Board members have visited the Briar Chapel area.

#### VIII. ZONING:

1. A Legislative public hearing request by the Board of Commissioners to consider county-initiated rezoning of thirty two (32) parcels in Gulf Township from R5- Residential to R1- Residential.

Mr. Glenn gave an overview of the staff notes and he stated the Planning staff have received some questions regarding a parcel in the Gulf Township that is zoned R-5. The owner of the parcel wishes to subdivide the property, which consists of 3.41 acres. Because the property is zoned R-5, subdividing into a smaller parcel would not meet the standard of the five acre minimum lot size. This type of issue is common in areas of the county zoned R-5 or R-2, and typically there would be no way around this regulation. However, based on further inspection of the zoning map, watershed maps, USGS Topography, and NCRS Soil Maps, it appears that the R-5 zoning designation may have been an oversight occurring during the 2016 mass zoning of the unzoned areas of the county. There are thirty three (32) parcels in the affected area covering approximately 42 acres, with many being split zoned between R-1 and R-5 Residential Zoning. Rezoning the parcels to R-1 will remove the current split zoning. It is the request of planning staff that all the affected parcels be rezoned to R-1 Residential. For reference of the parcels involved, please look at the map labeled attachment one.

The legislative Public Hearing was held at the Board of Commissioners meeting on Tuesday January 21<sup>st</sup>. Staff first clarified that the actual number of lots being rezoned is thirty two (32) not thirty three (33). One of the adjoining properties was including in the legal ad and notification. Planning staff presented a power point to explain the reason for the rezoning. Staff explained how the 32 parcels were originally zoned in such a way as to warrant the rezoning, explaining the HWY 421 corridor zoning in 2007 zoned areas adjacent within 1500' of the right-of-way as R-1 and the River Corridor Special Area allows 1 acre lots. The commissioners had a few questions regarding public comment from neighbors, as well as whether the homeowner that originally had the zoning questions would have their problem solved. Planning staff informed the commissioners that rezoning the parcels to R-1 would most likely solve the homeowner's problem. There were no public comments.

Mr. Glenn stated in closing, the Planning Board has up to three meetings to make a recommendation on the rezoning requests. A recommendation on consistency statements for rejection and/or approval is provided below. **The request for the rezoning of the thirty two (32) listed parcels is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting context sensitive design that preserves rural and small town character. Specifically, this request supports Land Use Policy #5, Strategy 5.1 which encourages support for "residential development types that fit the character of different areas of the county."**

Board Discussion followed and some items discussed were as follows:

- Mr. Spoon asked if this was just a GIS mistake. Mr. Glenn answered yes, when the whole County was rezoning this area was missed.
- Ms. Weakley stated R-5 zoning is near rivers to protect water quality and Deep River is right there in Gulf and water supply is downstream. Mr. Glenn explained that the lot sizes are all near 1 acre lots except one lot that is 3.4 acres and they would like to subdivide and create a new lot which triggered

this discrepancy. Mr. Glenn also showed the Planning Board the river corridor and the location of the 32 parcels for rezoning. Mr. Sullivan stated the rezoning is located on a high ridge within the River Corridor Special Area and this is a little sliver of land that is R-5 that is completely surrounded by R-1 and most of all the parcels are 1.5 acres or less. Chair Lucier asked how many total acres within the 32 parcels. Mr. Sullivan stated about 34 acres. Chair Lucier stated the average lot size is around 1 acre.

Motion made by Mr. Spoon to approve the consistency statement; **The request for the rezoning of the thirty two (32) listed parcels is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting context sensitive design that preserves rural and small town character. Specifically, this request supports Land Use Policy #5, Strategy 5.1 which encourages support for “residential development types that fit the character of different areas of the county.”** Second by Mr. Arthur. Motion passed, 9-1, opposed by Ms. Weakley.

- Ms. Weakley stated she reviewed this area on the Conservation viewer and this area is the high ground on a ridge, but Deep River is a very important resource for not just humans, but environmental reasons as well. Areas near rivers are intended to be less dense for a reason and this area has water supply both up and down stream. Ms. Weakley stated in general she is not in favor of rezoning areas along rivers in Chatham to more dense zoning. Chair Lucier stated the R-5 zoning of this area was an error during Chatham County wide rezoning and this seems like the reasonable thing for the Planning Board to do, but does understand the concern and comments.

Motion made by Mr. Spoon to approve this item; second by Mr. Arthur.  
Motion passed, 9-1, opposed by Ms. Weakley.

2. A Legislative public hearing request by the Chatham County Board of Commissioners to consider an amendment to the Chatham County Comprehensive Plan.

Mr. Sullivan gave an overview of the staff notes and he stated a revision to the language in the Utilities Section should be considered to reflect the growing needs of the County to be able to locate public service facilities where needed in the County to serve the County (Attachment A). The second bullet point of Strategy 1.2 is considered for revision without changing the intent of the Recommendation 01 and Policy 01 which it is aimed at achieving. This request is also being submitted in conjunction with a text amendment to the Zoning Ordinance to allow greater flexibility in locating government facilities in the county.

Mr. Sullivan stated a public hearing was held on January 21, 2020 and 19 spoke on this item. There were numerous residents in attendance during the Commissioners meeting with most residing in Briar Chapel. Based on the comments provided during the hearing it appeared that many of those providing feedback thought the proposed amendments included revisions to Section 1.1 of the Utilities section, which is specific to decentralized wastewater systems and their ability to serve development nodes identified on the Future Conservation and Land Use Map. Planning staff reviewed the request and clarified that the amendment applied to the second bullet point of Section 1.2 and is intended to allow public facilities and services to be located anywhere they are needed within the county's jurisdiction. This was triggered by the county's agreement to purchase approximately 270 acres at the intersection of US 64 W and Renaissance Drive. The tract is adjacent to property currently owned by the county and includes the following facilities and services – Solid Waste & Recycling, School System Garage, Sheriff's Office Detention Center, and Animal Control.

Comments provided during the hearing and in public comment included: public service facilities could be interpreted to include privately owned service providers that serve the public; the text should be clear that it only applies to publicly owned and operated services and service facilities; and concern about unknown unintended consequences that could occur if the text is amended. There were additional comments that were specific to

concerns about the future expansion of the wastewater treatment plant serving Briar Chapel, but those comments weren't related to the amendment to Section 1.2.

The current wording of the proposed amendment that was the subject of the public hearing is "Locate new public services and public service facilities, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, or where existing infrastructure exists and public services are needed." (Note: underlined portions are additions) Based on comments received during the public hearing, staff is recommending the following change to the second bullet point of Section 1.2 – "Locate new government owned, operated, and maintained public services and facilities, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, or where adequate infrastructure exists and government owned, operated, and maintained services and facilities are needed to serve the surrounding community."

Mr. Sullivan stated the Planning staff recommends approval of the proposed amendment.

Board Discussion followed and some items discussed were as follows:

- Chair Lucier stated this came as a recommendation from the public input during the January public hearing and it seems to be an improvement over the original proposal. Chair Lucier asked the Board if there were any questions about the revision of Section 1.2.
- Ms. Weakley stated landfills, transfer stations, or other things that may be inappropriate in residential communities, how they would be impacted. Mr. Sullivan explained the zoning ordinance where some government facility uses are allowed by right, but other government facility uses will require Conditional Use Permits and will be reviewed by the Planning Board. Chair Lucier stated this is the Land Use Plan which is used as a guideline and expectations, not an ordinance or a regulation and so applications will require further approval by Planning Board and BOC.
- There was some Board discussion about the difference between public and private facilities and how the revision will add clarity for property owners looking at the Land use Plan. The Planning Board also discussed public and private wastewater utilities. Mr. Sullivan gave the definition of major and minor utilities. The Board had discussion about what uses were allowed by right and uses that would require a CUP. Mr. Galin asked if Chatham County could purchase the wastewater treatment plant form Briar Chapel. Mr. Sullivan stated he would have to talk to the County Attorney about that.
- Mr. Spoon asked if this change would allow municipalities to build new facilities on County property. Mr. Sullivan stated municipalities typically operate within their jurisdiction, but they would be subject to the same regulations.
- Chair Lucier read the Comp Plan text amendment to the Board, "Locate new government owned, operated, and maintained public services and facilities, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, or where adequate infrastructure exists and government owned, operated, and maintained services and facilities are needed to serve the surrounding community."
- Ms. Hager asked how it is determined if a facility is "needed". Mr. Sullivan stated the Zoning Ordinance text amendment is the next item on the agenda and it will help clarify facility needs. Mr. Sullivan explained how Chatham County has purchased land and they want the Comp Plan and Zoning

Ordinance to be consistent with each other and not operating in conflict with their own adopted policies.

Ms. Weakley stated we are going to be allowing government to do certain uses in areas of the County that we may not allow others to do. Mr. Sullivan stated it is not uncommon to see a catch all for government facilities.

- Mr. Frazier asked if staff checked with the County Attorney if this compromises the ability to exclude other kinds of office development from residential areas. Mr. Sullivan stated the staff did not. Mr. Frazier stated if there was an applicant that wanted to locate an office in a residential area that was denied, seems to be grounds for a complaint. Mr. Sullivan stated the County is always subject to litigations. Chair Lucier stated government has eminent domain and can take property for needed public use, whereas private enterprises cannot. There were a few cases years ago in the Supreme Court and it was ruled that government can take land for facilities such as schools where private entities cannot.
- Mr. Spoon asked if it could say “Chatham County government owned, operated, and maintained” because Durham, Cary, and Apex are right on the edges of Chatham County. There was some Board discussion about this text idea. Mr. Sullivan stated it is our Plan and should be fine to add that to the policy section, but the Zoning Ordinance table of uses which is the next item for discussion, there could be a legal issue if the Zoning Ordinance specifies just Chatham County government facilities. Mr. Sullivan believe adding Chatham County government facilities could be problematic on the Zoning Ordinance side of the discussion.
- Ms. Weakley asked if the Board doesn’t approve this Land Use Plan amendment what is the worst case scenario for government facilities if they want to be located outside of their appropriate areas, would they be subject to rezoning. Mr. Sullivan stated it would require rezoning if the Board doesn’t approve the next item in the Zoning Ordinance.
- Mr. Spoon stated he feels the County should be consistent with their own Plan if every other project is expected to be consistent with the Plan. He stated he is in favor of this text amendment and it is really an outside of the County government facilities wanting to build within Chatham County. Chair Lucier stated he also agrees and it would be better to make the change rather than not make the change. Ms. Weakley stated it was initiated because of one situation and she is not in agreement of changing the Comp Plan just for one instance.

Motion made by Mr. Spoon to approve the Comprehensive Plan text amendment; second by Mr. Frazier.

Motion passed, 9-1. Opposed by Ms. Weakley.

3. A Legislative public hearing request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Section 7.2 Definitions; Section 8.1 Relationship of Building to Lot; Section 10.12 CD- MU Mixed Use Districts; Section 10.13 Table of Permitted Uses; Section 17.1 Procedure; and Section 17.2 Plans.

Mr. Glenn gave an overview of the staff notes and he stated Section 7.2 Definitions of the Chatham County Zoning Ordinance requires amendments to reflect the addition of definitions for Recreational Vehicles (RV’s), Park Model RV’s, and Structure. Based on an increase in concerns from county residents and staff regarding the use and storage of RV’s within the county, and the nature to which RV’s are related to other structures and buildings, planning staff developed new definitions and standards for the regulation of Recreational Vehicles.

The update to the definition of structure is related to the new RV definitions as well as the previous changes to the ordinance in September 2019. The height regulation changes included in the ordinance text amendment in September necessitated the need for an updated definition for structure.

Sections 8.1 is being amended to include the new regulations for recreational vehicles. The regulations for RV's is added as number 4 of the 4 requirements of the Relationship of Buildings to Lot. Storage of RV's will be permitted on residential lots within the county. Recreational vehicles are not designed nor intended for permanent habitation, therefore an RV cannot be considered as a primary residence. Permanent habitation is not permitted. In order to provide for the health, safety, and welfare, the use of a recreational vehicle for permanent habitation shall be deemed unlawful.

Section 10.13 is being amended to add twelve (12) new uses and edit the wording of several others. A new use is being added for Government buildings and offices which will be permitted in all districts. Eleven (11) of the additional uses are specifically added to enhance the viability of the Moncure Megasite. The Board of Commissioners scheduled the public hearing during their December 16, 2019 meeting. The redline draft and table of the proposed amendments to the zoning ordinance were including in the December 3<sup>rd</sup> planning board packet to enable the board to have ample time to review the material. Based on the amount and complexity of the amendments, planning staff felt it appropriate for the planning board to have as much time as possible consider the information.

Mr. Glenn stated the legislative public hearing was held at the Board of Commissioners meeting on Tuesday January 21<sup>st</sup>. Planning staff presented the redline changes to the board and explained the reasoning behind the questions. There were several questions from the board of commissioners regarding the table of permitted uses, specifically the CU designation with the footnote for municipal water and sewer. Planning staff explained to the board that if municipal water and sewer facilities were available in a I-H district then the use would be allowed by right. It was understood by the board that this footnote was specifically intended for the Moncure mega site. Alyssa Byrd from the EDC was the only public comment for the public hearing. She spoke in support of the amendments to Section 10.13 Table of Permitted uses. She also offered clarity regarding the locations of the heavy industrial centers in the county.

Mr. Glenn stated in closing, the Planning Board has up to three meetings to make a recommendation on the proposed text amendments to the Zoning Ordinance. A recommendation on consistency statements for rejection and/or approval is provided below.

**The request for amending the text of the Zoning Ordinance is consistent with the comprehensive plan of Chatham County, Plan Chatham, by supporting the second bullet point of Strategy 5.1 of the Economic Development plan element that reads – “Promote appropriate targeted industries and commercial uses at Megasites and Employment Centers. To increase job opportunities and tax base throughout the County, suitable industry targets should be matched with the most appropriate locations and sites. Industry targets should reflect the priorities of Chatham EDC, Research Triangle Regional Partnership, Piedmont Triad Partnership, and the Economic Development Partnership of North Carolina”. Additional support is provided in Land Use Policy #5, Strategy 5.1 encouraging “context sensitive development design.”**

Board Discussion followed and some items discussed were as follows:

- Chair Lucier stated there are four different sections and suggested the Board goes section by section.

## **SECTION 7 DEFINITIONS**

### **7.2 Definitions**

**Recreational Vehicles (RV) - A Vehicle, or vehicle type portable structure which can be hauled, towed or driven, designed for recreational use (as in camping). Recreational Vehicles are not designed for permanent occupancy.**

This would include, but is not limited to travel trailers, motor homes, camping trailers, campers, truck and recreational vans. Recreational vehicles are considered domestic vehicles.

**Recreational Vehicle (RV), Park Model** - A vehicle that is built on a single chassis, is 400 sq. feet or less when measured at the largest horizontal projection, is self-propelled or permanently towable by a light duty truck, and is generally used as temporary living quarters for recreational, camping, travel, seasonal, and special uses.

**Structure** - Anything constructed, erected, or placed, including but not limited to buildings, flagpoles, carports, or storage buildings, and which requires location on the land or attachment to something having permanent location on the land. (Note: All buildings are structures, but not all structures are buildings.)

- Mr. Frazier asked what the difference between RV and RV Park Model. Mr. Glenn stated that an RV is a vehicle suited for road use and traveling from place to place. A RV Park Model is an RV that has wheels that can be towed to a location, but once at the location it would normally be staying put. Ms. Birchett stated an RV Park Model is something you would see at a resort.

Motion made by Mr. Frazier to approve amendment to section 7.2 Definitions amendment; second by Mr. Arthur.

- Chair Lucier asked if monuments would be considered a structure. Mr. Sullivan stated yes.

Motion passed, 10-0, unanimously.

## **SECTION 8 GENERAL PROVISIONS**

### **8.1 Relationship of Building to Lot**

#### 4. Regulation of Recreational Vehicles (RV's).

a. Recreational Vehicles are permitted to be stored unoccupied on residential lots. Such storage of the Vehicle shall not be within any required setback. The unoccupied vehicle may not be used to store any materials, items, pets, farm animals, and the like. Recreational vehicles are not designed nor intended for permanent habitation, therefore an RV cannot be considered as a primary residence. A Recreational Vehicle stored in accordance with this ordinance shall:

i. Not be connected to any permanent utility service. The use of extension cords for cleaning and/or repair is allowed on a temporary basis.

ii. Have its wheels and axels remain at all times

iii. Maintain proper insurance and registration being fully licensed and ready for highway use.

iv. Have no accessory structures supported by the Vehicle, this includes decks, porches, and awnings.

b. Permanent habitation is not permitted. In order to provide for the health, safety, and welfare, the use of a recreational vehicle for permanent habitation shall be deemed unlawful.

c. A Recreational Vehicle can be utilized for temporary occupation for no more than 180 days if the following requirements are met:

i. It is used during the construction of a single-family dwelling or placement of modular/mobile home.

ii. Temporary RV's are used after an emergency or natural disaster.

iii. It is used while a damaged/destroyed home is being replaced due to damage by fire, flood, hurricane, tornado, or other emergency event.

- Chair Lucier asked if there were any limitations on someone coming to visit and staying in an RV for a couple weeks. Mr. Glenn stated there is currently no language in the amendment that is allowing an RV to stay for a period of time. Mr. Glenn stated staff had researched other jurisdictions in the area and most of the jurisdictions in the surrounding counties and cities around Chatham County do not have a time period where they allow a temporary use of an RV. However, there are some counties on the coast and the mountains that do allow RV use for a period of time. The jurisdictions around Chatham stated they enforce their regulation as complaints are brought to their attention. Mr. Glenn stated a time frame can



be added if that is something the Board would like to do for a temporary use as long as it meets all the other requirements.

- Chair Lucier stated there is 180 days that can be used for construction, emergency, or natural disaster and asked if there would be any restrictions on someone who was visiting for a couple weeks and has the RV in the yard. Ms. Birchett stated there are restrictions if the staff received a complaint. Chair Lucier asked if the Board was interested in adding language to allow for a short period of time such as two weeks for people visiting with an RV. There was some Board discussion about allowing a couple of weeks, a month, or specifically 21 days. Ms. Birchett stated a length of time can be added, but it would be difficult to enforce.

Mr. Sullivan stated staff has received some calls with complaints about RVs, particularly with the use of generators, a revision could be added with a time frame per calendar year. Enforcement for this would have to be a complaint and then staff would inform the person in the RV they have 14 days from this day to comply. Vice-Chair stated she has yearly guests that come to her house and stay in an RV for two weeks and wants to make sure there is not a violation.

- Mr. Frazier raised the question if this would stop what is happening on Fearrington Rd during hunting season. Ms. Birchett stated any new issues with RVs would be regulated, but she has a folder from many years ago for the hunting club allowing their activities. Mr. Frazier also asked is 180 days enough time for temporary housing while a family is waiting for their home to be repaired. Ms. Birchett stated staff would work with people if there were delays in the repairs, 180 days is the standard that FEMA and other jurisdictions use. She stated a clause could be added to allow staff to work with residents displaced over the 180 days. Mr. Sullivan stated there can be some language added about a renewal in the event that construction, emergency, or natural disaster is a continuing condition. Staff wouldn't want the RV to become a permanent dwelling and there needs to be a transition to a home. Mr. Sullivan stated he will work on the wording and with the County Attorney if the Board wants that clause added.
- Mr. Wilson asked if this would be retroactive or just going forward. Mr. Sullivan stated it is for new activities. Vice-Chair asked how this would impact a farming operation. Mr. Sullivan stated they would be exempt by bonafide farm exemption.

Mr. Frazier also asked about the RV needed to have a current license and ready for highway use. Ms. Birchett stated yes, because the experience has been people will turn the tags in and won't be road ready anymore and the RV becomes a storage unit.

- Mr. Arthur stated RVs are permitted to be stored unoccupied on residential lots, will that supersede any HOA regulations that ban RVs. Ms. Birchett stated no because the County will not regulate private covenants or HOA's. Mr. Arthur stated unoccupied vehicles may not be used to store any materials, items, pets, farm animals, and the like, does that mean someone couldn't have a file cabinet in their RV. Ms. Birchett stated this is to let people know to use it as an RV, not a storage unit or a shelter for animals, people have been known to buy a cheap RV and just put it on their property and use it as a storage shed.
- Mr. Arthur asked about the flexibility of adding the two weeks stay for RVs in the text amendment. There was some more Board discussion on this idea about adding 21 days to section 8.1 item (d). Vice-Chair stated having a RV stay with a running generator on 35 acres property is a lot different form

someone on a 1 acre property, neighbors could get frustrated with the noise. Mr. Frazier asked if staff considered regulating the use of a generator. Mr. Sullivan stated it would be difficult to regulate generators and the use of the RV opposed to a house. It would be best to deal directly with the RV. The Board decided not to include the 21 days allowance in the regulation.

Motion made by Ms. Hager for Section 8.1 Relationship of Building to Lot, to approve the amendment with the following conditions: 1) modify subsection c to include a provision that the 180 day temporary occupancy can be extended and staff draft appropriate prior to Board of Commissioner action of this item and 2) the County Attorney review and approve the updated language. Second by Vice-Chair Siverson.

Motion passed, 10-0, unanimously.

## **10.12 CD-MU Mixed Use**

### **F. Dimensional and Off-Street Parking Requirements**

At a minimum, twenty percent (20%) of the total **built upon area of the development** land area of the development must be occupied by or used for non-residential uses, provided that at no time shall the cumulative amount of land developed for non-residential purposes exceed the cumulative amount of land developed for residential purposes.

Motion made by Ms. Hager to approve Section 10.12 Dimensional and Off-Street Parking Requirements amendment; second by Mr. Spoon.

Motion passed, 10-0, unanimously.

## **SECTION 10 SCHEDULE OF DISTRICT REGULATIONS**

### **10.1b- 10.8b**

Maximum Building/**Structure** Height- 60 feet.

- Mr. Spoon stated he feels flagpoles and monuments should be less than 60 feet. Mr. Wilson asked if it is measured from the base or the ground. Mr. Sullivan stated it is measured from the ground. Chair Lucier stated he is ok with the height of 60 feet, but what if it were to be changed to 35 feet, would that impact an apartment building. Mr. Sullivan stated that would complicate apartment buildings and some other facilities. Mr. Spoon asked if we could separate building and structures into different requirements. Mr. Sullivan stated if that is something the Board would like to do, it should be at another meeting and not take action tonight. The staff would need to get some direction and revised language with a recommendation.

There was some Board discussion about leaving buildings at 60 feet and changing the height limit of structure. Mr. Sullivan stated if there is separation between building and structures we will have to revisit the definition of structure, because all buildings are structures, but not all structures are buildings.

Motion made by Mr. Galin to approve Section 10.1b- 10.8b amendment; second by Mr. Arthur.

- There was some discussion about the height of the statue in front of the Courthouse and the height of the proposed statue in Moncure. The monument in Moncure is to be 190 feet tall. The Board had some discussion of flagpoles heights around Chatham County as well.

Motion failed, 5-5 vote. Opposed by Mr. Spoon, Ms. Weakley, Mr. Wilson, Ms. Hager, and Mr. Flores.

- Mr. Sullivan stated the staff will take the word structure out before this item is forwarded onto the Board of Commissioners and then revisit the definition of buildings and structures. Flagpoles and monuments could be separated from structure and treated differently with a separate height limit. There was some Board discussion about the difference between a 60 foot apartment building and a 60 foot monument.

**Section 10.13 Table 1: Zoning Table of Permitted Uses**

- Chair Lucier stated in this table there are uses that we have not had listed before and listed several of the new uses on the table such as aviation, battery manufacture, and computer and electronic manufacture. Mr. Sullivan stated these are some of the industries that will be targeted for the Moncure Megasite. Staff added government offices and facilities, plus heavy manufacturing is going to be used as a catch all for some of the odd request staff can receive and don't fit into a specific use in the table of uses.

Chair Lucier asked the Board what they thought of the different uses and showed concern for the battery manufacturing because of the pollution that can be emitted from that type of manufacturing.

Ms. Hager stated what the argument is for these uses to be permitted by right. Chair Lucier stated the purpose is related to the Moncure Megasite and the ability to attract businesses there and the wastewater connection to Sanford, but this is not just limited to Moncure Megasite.

- Chair Lucier introduced Ms. Alyssa Byrd to the Planning Board as the President of the Economic Development Corporation (EDC) in Chatham County. Ms. Byrd stated EDC has been working with the Planning department and these uses are based on projects that they have seen. Moncure in particular has a substantial amount of power capacity and available megawatts which is very unique and has an advantage for data processing or more power heavy uses. There are also a lot of new and emerging industries that really don't fall in the table of uses so that is why we wanted the heavy manufacturing catch all use. Ms. Byrd stated connecting to the municipal wastewater will alleviate some of the concerns for septic systems. There is existing heavy industrial land along Hwy 421 and the town of Goldston would require annexation to access that wastewater. Mr. Sullivan stated there was some questions about that topic and we are waiting to hear back from the County Manager and County Attorney.
- Chair Lucier stated another item discussed at the agenda review was about how we can limit the table of uses because we have a lot of smaller industrial sites and a few large industrial sites like Moncure Megasite and the 3M site. More protection will be given to the larger sites than the smaller sites in terms of buffers. Chair Lucier asked Mr. Sullivan if he was going to ask the County Attorney about CU<sup>3</sup> category for industrial sites that pertains to large acreage, whether it will be permitted by right. Mr. Sullivan stated yes, he is waiting on a response from the County Attorney and staffs position would be to make it very specific.

Ms. Weakley asked would it be allowed by right when municipal water and sewer infrastructure is utilized, could somebody buy a piece of property that is not near major infrastructure and fund an extension of the infrastructure to their property. Ms. Byrd stated that is a valid point, but believes there is enough layers in place and the guidance of the Comp Plan, plus the requirement of rezoning holds a lot of checks and balances. Nobody wants a large heavy industrial aviation business in a small town, it doesn't make sense in the Land Use Plan and our ordinances reflect that.

- Ms. Byrd started talking about the edits to current uses, some are existing uses and we are suggesting to add CU<sup>3</sup> because we have a competitive advantage and there is a lot of life science industries going into jurisdictions all around Chatham County. There are a lot of people that work in that industry and commuting to jobs every day, Moncure is well suited for that use. Chair Lucier stated adding these

uses to the table is the right thing to do. Ms. Weakley asked the reference to life science as medical industry. Ms. Byrd stated yes, the pharmaceutical manufacturer.

Vice-Chair Siverson asked if these type of businesses won't consider Chatham County for a location with the Conditional Use Permit requirement and process. Ms. Byrd stated yes, she has only been in this position for about a year and lost a handful of projects because the CUP process scared them off and one industry went just across the border in Lee County and is providing a lot of good jobs.

Mr. Spoon asked about the discharge going to Sanford and would that hurt the CU<sup>3</sup> classification. Ms. Byrd stated no, the intent is to utilize the Sanford sewer. Chair Lucier stated that is the agreement Sanford and Chatham County has worked out. Mr. Spoon stated right now it is not worded that specific. Mr. Sullivan stated staff is working with the County Attorney to see if the language can be more specific. Chair Lucier stated maybe this could be tabled until the Board hears from the County Attorney. Ms. Byrd stated she currently has two active projects that would fall under this text amendment and doesn't foresee any immediate impact as long as we are continuing to move forward on the amendment. Mr. Spoon stated he is okay with the amendment as long as the County Attorney signs off on it to be more specific.

- Mr. Frazier stated he is not sure why some of these are not permitted by right in heavy industrial areas rather than the CU classification. In doing that, it makes the uses inconsistent in what is permitted in heavy industrial areas by right, like auto and truck assembly, plating and galvanizing plants, meat packing, paint manufacture, railroad trade yards, and yet data processing will require a CUP. Chair Lucier stated it is a little different when municipal water and sewer is being used, they are permitted by right. Mr. Frazier stated there are uses that need to be looked at and discussed. Chair Lucier agrees, but these are the uses that the public hearing was held on, so if there are other areas to discuss, there will need to be another public hearing which would further delay the Board discussion on these items.

Ms. Byrd stated the contingency with the municipal water and sewer was just to make it narrower to where this would actually occur. There was some Board discussion about clarifying Mr. Frazier's concern with some uses requiring a CUP and others permitted by right. The Board considered revisiting these items in the future. Mr. Galin stated in this case, Ms. Byrd's concern is she has potential clients interested in our community and the Economic Development Board tries to do a good job of getting a mix of industries interested in our community and suggested the Board approves this item contingent upon County Attorney approval and if not it is stopped. Mr. Sullivan stated that is fine, the clarification would say municipal Chatham County water and Town of Sanford sewer. There was some Board discussion about Chatham Park and the Town of Sanford with possible connections throughout Chatham County.

- Chair Lucier stated he has concerns about battery manufacturing because he has history as a toxicologist and would recommend making this use CUP just like heavy manufacturing because it is not pleasant even if you have municipal water and sewer. Ms. Byrd stated this battery manufacturing is specifically proposed to relate to battery powered vehicles, as there is an increase in electric power vehicles and acknowledging there would be battery assembly within those factories. Chair Lucier stated it is not a clean industry. Ms. Byrd stated in general, the United States does not have much of the supplies or the minerals required and there is a lot of import for the industry. Ms. Byrd emphasized electric vehicles is a large growing industry. Chair Lucier stated there is a lot of heavy metals and the Pittsboro water supply has had some problems because you can't take all of the impurities out.
- Ms. Weakley raised the concern about the redline table and text table not matching and aligning with the different uses and categories. Mr. Sullivan stated staff will correct the tables.

- Vice-Chair Siverson asked if the battery manufacturing use would be subject to a special study under Section 17.9. Ms. Byrd stated Section 17.9 is just for CUP, so if it is permitted by right with municipal water and sewer then it is not subject to Section 17.9. Mr. Sullivan stated the special study would be required and apply to a CUP because that will provide additional information to the Planning Board and the Commissioners whether or not to approve that specific use through the CUP process, but if it is permitted by right and that use is connected to the Sanford sewer system, even if we required a special study, staff can't regulate based on that because the document is not tied to the ordinance. It would make it irrelevant to have the document prepared because there is nothing that can be done with it.

Mr. Sullivan stated he understands the concern regarding the CU<sup>3</sup> for light and heavy industrial and it would be okay to remove CU<sup>3</sup> from all light industrial because the request that is driving these changes is for the Moncure Megasite. Chair Lucier stated that is what he was recommending to remove the CU<sup>3</sup> from light industrial. Mr. Sullivan stated that will not be problem to remove them from light industrial. Vice-Chair Siverson stated machinery manufacturing doesn't have a CU or a CU<sup>3</sup> in the table. Mr. Sullivan stated it would be a CU<sup>3</sup> in heavy industrial.

- Mr. Frazier asked if data processing was appropriate for light industrial. Mr. Sullivan stated there is some emerging documentation about certain electromagnetic fields that can be generated from large data processing facilities which could be justification for just heavy industrial areas.
- There was some Board discussion on how these changes will open up some possibilities and opportunities for new industries within Chatham County. Chair Lucier stated this addresses the Megasite issue and the concern that we need to attract industries to that site. This will also add some protection to people who live adjacent smaller sites. Chair Lucier would also like to remove CU<sup>3</sup> from battery manufactory and make it CU. Mr. Frazier asked about semiconductor manufacturing pollution. Chair Lucier stated it is not as bad as what it used to be, that industry has cleaned itself up quite a bit in the last five to ten years.

Motion made by Mr. Spoon to approve the amendment Section 10.13 Table 1: Zoning Table of Permitted Uses contingent upon 1) the County Attorney approving a revision to the footnote to require the uses to connect to the Chatham County water system and the Town of Sanford sanitary sewer system, 2) change CU<sup>3</sup> to CU for battery manufacturing and 3) remove CU<sup>3</sup> from all of the uses that are proposed in the Light Industrial district. Second by Mr. Galin.

- Mr. Frazier stated he would like to make an amendment to the motion and remove the "P" from government offices and facilities from R5, R2, and R1. Chair Lucier asked why Mr. Frazier is opposed to permit by right in R5, R2, and R1. Mr. Frazier stated it seems to undermine the seriousness for regulating uses like that in residential areas in general and potentially compromises it. Ms. Weakley agrees. Chair Lucier stated with that change then government offices and facilities would have to apply for rezoning in R5, R2, and R1. There was some Board discussion about this idea. Chair Lucier asked the Board how they felt about this as a whole and stated the County will need to apply for rezoning for the property they just purchased. Mr. Sullivan stated yes, the County would need to apply for rezoning, but with the vote previously with the Comp Plan, it is consistent.

Mr. Frazier made a motion to amend the prior motion to remove "P" from the R1, R2 and R5 zoning districts for "Government offices and facilities". Second by Ms. Hager.

Motion to amend the first motion passed 10-0, unanimously.

Motion to approve Section 10.13 Table 1: Zoning Table of Permitted Uses contingent upon 1) the County Attorney approving a revision to the footnote to require the uses to connect to the Chatham County water

system and the Town of Sanford sanitary sewer system, 2) change CU<sup>3</sup> to CU for battery manufacturing and 3) remove CU<sup>3</sup> from all of the uses that are proposed in the Light Industrial district, 4) remove “P” from the R1, R2 and R5 zoning districts for “Government offices and facilities”.

Motion passed 10-0, unanimously.

### 10.13 Table 1: Zoning Table of Permitted Uses: Edits to Current Uses

- Mr. Glenn stated he has changed laboratories for research and testing, cosmetics and perfume manufacture, and also pharmaceutical product manufacture will only be CU<sup>3</sup> in heavy industrial. Mr. Sullivan stated to be consistent with the prior discussion we will have CU<sup>3</sup> in just heavy industrial.
- There was some Board discussion about the differences between the redline table and the table of zoning ordinance text amendments. Mr. Glenn assured the Board that changes to the redline document will be reflected on the table of zoning ordinance text amendments document.
- Ms. Hager asked Chair Lucier about how toxic cosmetics and pharmaceutical industries are. Chair Lucier stated the pharmaceutical manufacturing can have an issue with wastewater because the pharmaceuticals are not taken out at the wastewater treatment plants, everyone who drinks municipal water will get a trace of pharmaceutical drugs. Ms. Weakley stated both of those uses are currently proposed to CU<sup>3</sup> and should they be CU. Vice-Chair Siverson asked what the designation is for those two uses currently. Mr. Glenn stated they are currently CU.

Ms. Byrd stated Sanford has a pretreatment program as part of their wastewater treatment plant and they do regulate levels. Ms. Weakley stated in Greensboro they have a pretreatment plan as well and it failed, you can't always trust those programs. Mr. Spoon stated Sanford is not going to discharge into the Haw River. Ms. Weakley stated it is feeding in the Cape Fear, so Fayetteville and Wilmington will have to worry about it. Ms. Weakley stated she would feel better if those two uses was a CU rather than CU<sup>3</sup>.

Chair Lucier stated both cosmetic and pharmaceutical industries can be relatively clean. Most of the contamination in the pharmaceutical industry comes from people's homes, not from the manufacturing. The primary concern is if either of these industries has a spill. Mr. Galin stated on the other hand pharmaceuticals make a lot of people's lives better. Chair Lucier stated it is clean industry that has good jobs and consistent with Chatham County trying to attract medical related industries. Ms. Hager stated she is comfortable with them as CU<sup>3</sup> in heavy industrial and not place barriers where they are not necessary.

- Mr. Frazier stated there is a number of uses here that are CU such as, Boat Storage Facility, Contractor's plants or storage yards, Self-storage facility, Storage warehouses, and Storage yards and proposes they should be permitted by right in light and heavy industrial areas only. Ms. Weakley stated she has concerns about that because there are places in the County that are spot zoned light industrial within residential areas. Chair Lucier stated if it is permitted by right the neighbors who are adjacent to these locations will have no ability to respond to what might be coming next to them. Mr. Sullivan stated the changes for storage was a request by the Board of Commissioners.

Mr. Spoon confirmed that CU<sup>3</sup> will be removed from light industrial for cosmetics and perfume manufacturing and pharmaceutical products manufacturing. There was some Board discussion about CU and CU<sup>3</sup> for these two industries in light and or heavy industrial. Chair Lucier stated the Board agreed on having CU in light industrial and CU<sup>3</sup> in heavy industrial for both cosmetics and perfume manufacturing and pharmaceutical products manufacturing.

- Vice-Chair Siverson asked why general, professional, and medical offices is not permitted in B-1. Mr. Sullivan stated it doesn't make sense and it should be added. Chair Lucier confirmed and stated "P" should be added to the B-1 district.
- Ms. Weakley stated she feels comfortable voting for everything that was discussed, but she still has concerns about pharmaceutical and cosmetics being CU<sup>3</sup> because Sanford wastewater treatment is not suited for treating all things that need to be treated before discharging.

Motion made by Mr. Galin to approve the amendment 10.13 Table 1: Zoning Table of Permitted Uses: Edits to Current Uses with the following revisions: 1) change CU3 to CU in the Light Industrial district for "Laboratories for research and testing" and "Pharmaceutical products manufacture" and 2) add "P" in the B-1 district for "General, professional, and medical offices. Second by Mr. Arthur.

Motion passed 8-2, opposed by Ms. Weakley and abstained by Mr. Frazier. (One no vote was an abstention as per Robert's Rules of Order)

## **SECTION 15 REGULATIONS GOVERNING SIGNS**

### **15.12 Permit Required**

- Mr. Spoon stated does this state the differentiation between electronic signs and conventional signs. Mr. Sullivan stated there is a different provision in the ordinance that deal with electronic message centers as to where they are allowed and they only can show numbers and letters and no other images.

Vice-Chair Siverson asked how onerous it is for a church or community buildings to get a sign permit. Mr. Sullivan stated the permit is a \$50 fee for Planning and they need to also get a building permit as well if there is a foundation that needs to be inspected. Planning staff reviews these requests and normally it is a same day turnaround. Ms. Weakley clarified that no signs will require a sign permit except for subdivision signs and church signs. Mr. Sullivan stated correct, staff doesn't want to charge \$50 for a temporary sign.

Motion made by Mr. Spoon to approve amendment Section 15 Regulations Governing Signs 15.12 Permit Required; second by Mr. Flores.

Motion passed 10-0, unanimously.

## **SECTION 17 CONDITIONAL USE PERMITS, 17.1 Procedure and 17.2 Plans**

- There was some Board discussion about this amendment and as a Board they feel this is a good idea.

Motion made by Ms. Weakley to approve the amendment to Section 17 Conditional Use Permits, 17.1 Procedure and 17.2 Plans; second by Vice-Chair Siverson.

Motion passed 10-0, unanimously.

- Chair Lucier spoke about the Pitt Hill X rezoning summary he drafted for the Board of Commissioners. The Planning Board discussed the handout and agreed it was a good summary of the previous Planning Board meeting discussion on this item. Planning staff will place this document on the Planning department website and provide hard copies for the Commissioners.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Lucier stated there was four items on the Pittsboro Planning Board agenda. A conditional zoning request to allow for more dense subdivision with smaller lots currently allowed in RA5 on a piece of property with 194 acres and the Planning Board recommended denial because it was inconsistent with their Land Use Plan. Approvals for the Mosaic site, 44 acres with 22 commercial lots with 60% impervious surface with 9 structures totaling 160,00 sqft with medical, pharmacy, retail, and residential. Long discussion about heavy industrial and what is permitted by right, the concrete plant that they had denied was overturned because it was permitted by right. The Planning Board is thinking about rezoning a lot of that area to residential.
- Vice-Chair Siverson stated she did not attend the Siler City Planning Board meeting, but attended the Agricultural Review Board meeting and they had a presentation from Triangle Land Conservancy regarding how funding can be raised to be put towards farm land preservation.
- Ms. Weakley stated the upcoming Chatham Conservation Partnership meeting will be held on April 16<sup>th</sup> and will have more information next meeting.
- There was general discussion about the monument in Moncure.

XI. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. *Minor Subdivisions/Exempt Maps* - Information was included in tonight's agenda packet for your review.
2. *Public Hearing items for the February 17, 2020 Board of Commissioners meeting.*
3. *Introduction to Chapter 160D Legislative changes.*

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:02 p.m.

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

Attest: \_\_\_\_\_ / \_\_\_\_\_  
Daniel Garrett, Clerk to the Board Date