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A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT REQUESTED BY William Jeffrey House

WHEREAS, William Jeffrey House has applied to Chatham County for a conditional use permit for an area containing approximately 10.35 acres located on Moncure School Road, Haw River Township, Parcel No. 11257, from RA-40 Residential Agricultural to Conditional Use B-1 Business (CUP-B1) for a public and private recreational camps and grounds, boat, motor home, camper trailer, and recreational vehicle storage;

WHEREAS, the Chatham County Board of Commissioners, having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The uses requested are among those listed as an eligible uses in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, the Land Conservation and Development Plan encourages a mix of development for economic development and this is an area suitable for this activity. The use will allow for the continuation for home-based businesses and provide temporary lodging for out of town workers and vacationers to the Jordan Lake areas. The business will provide economic benefits to the county by adding to the tax base, generating new tax revenues, both ad valorem and sales, creating and facilitating tourism. The permit and requested uses are also desirable because they will generate very little additional traffic and will not tax county services such as schools, police and fire protection.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. Among the evidence supporting this finding is the following: Traffic utilizing the site is expected to be minimal and will not exceed the allowable use as defined by NCDOT. The site will be monitored and supervised at all times by the House family. Screening and buffering for all uses are adequate at this time but will supplement if necessary. The area for the recreational vehicle storage is limited to 15 spaces and will not be built to house very large vessels or other recreational vehicles. Lighting will be used for security purposes and comply with the lighting requirements of the zoning ordinance.

(Re: William Jeffrey House Resolution to Approve CUP)

4. The requested permit is consistent with the objectives of the Land Development Plan by, among other things, encouraging home-based businesses in rural areas and providing a mix of development opportunities for economic growth and to enhance tourism to the county.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through conditions placed on its approval as seen below. The property will be served by private well and septic though county water is also available if needed. The proposed storage area will not require water or sewer for the use and the existing campground has current approvals for Phase I from the Chatham County Division of Environmental Health. The NCDOT office has approved a commercial driveway permit for the use proposed and the amount of impervious surface coverage will be less than 10%; well below the maximum allowance of 36%.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant, William Jeffrey House, attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

Site Specific Conditions:

1. There shall be allowed one (1) sign, non-illuminated, no larger than 32 square feet and no taller than 6 feet at the entrance to the property, outside of the right-of-way. A permit shall be issued for signage.
2. Recommendations from the Appearance Commission on the original campground approval shall also be continued and followed in this approval. Any additional plantings shall be done at the next optimal planting season following the approval date and shall be maintained to thrive and provide the appropriate screening as required. The Appearance Commission with the Planning Department may review the landscaping and screenings after one year of the approval to verify appropriate measures have been taken as directed. Should there be any changes in the landscaping for effectiveness of screening and environmental protections, they shall be given to the applicant at that time and the applicant will be given ample opportunity to take the corrective measures.
3. There is to remain and be maintained at fifty (50) foot vegetated, screening buffer around the perimeter of the campground and storage area/s.

4. Any stormwater measures that may be required shall conform to the 2 year, 24 hour storm event and a plan submitted to the Planning Department prior to its construction.
5. There shall be no more than 44 units on this property as stated in the application. The spaces may be completed in phases as stated in the application. A building permit shall not be issued for any phase without the required permits from the Environmental Health Section of the Chatham County Health Department.
6. Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.
7. Units must be spaced a minimum distance of 30 feet apart. An approved plan signed by the Chatham County Fire Marshal shall be provided to the Planning Department prior to the first campground occupant.
8. There shall not be any trash accumulation on the campground property. Trash removal shall be the responsibility of the campground owner.
9. The property owner shall maintain a log of record on the occupants of the campground. This information is to include, the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
10. A letter from the Chatham County Public Utilities Department shall be provided to the Planning Department prior to the first occupant to the campground for the requirement to tie into the county public water system.
11. An inspection by Building Inspections, Fire Marshal, and Environmental Health must be made and documentation provided to the Planning Department for any new construction as well as the existing storage bays and the structural integrity of the "refurbished" barn as stated in the application.

Standard Site Conditions:

12. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Section, etc.) shall be obtained and copies submitted to the Planning Department prior to the issuance of a certificate of occupancy.
13. Lighting shall be installed and maintained as per the adopted lighting regulations located in Section 11A of the Chatham County Zoning Ordinance. Any lighting or fixtures found to be non-compliant with the regulations shall be replaced at the expense of the

landowner/operator and shall hold no liability against Chatham County for the compliance measures.

14. An "as-built" impervious surface calculation shall be submitted to the Planning Department prior to issuance of a certificate of occupancy.
15. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
16. A building permit shall be obtained and remain valid at all times or this permit shall become void. The first building permit for the first storage structure shall be approved and submitted within 12 months of this approval or the permit becomes void; or the expiration of the appeal period or any court decision, whichever is later.

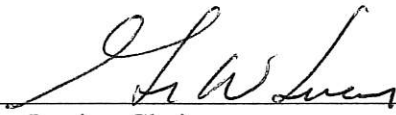
Standard Administrative Conditions:

17. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision. Nothing in this paragraph shall require the applicant to indemnify and hold the County harmless from any losses or costs associated with defense of the County's actions or procedures in considering and acting upon this application.
18. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
19. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
20. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
21. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.


(Re: William Jeffrey House Resolution to Approve CUP)

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this, the 21st day of August 2008

By: 
George Lucier, Chairman

ATTEST:


Sandra B. Subletti, CMC, Clerk to the Board
Chatham County Board of Commissioners