

Attendees: Jeannie Ambrose, Mark Ashness, Craig Caldwell, Clyde Frazier, Martha Girolami, Anne Lowry, Emily Moose, Caroline Siverson, Caroline Siverson, Jason Sullivan, Hunter Glenn

- February 3rd minutes were approved. Caroline Siverson introduced Jason Sullivan and his presentation of the Subdivision Regulations and The Comprehensive Plan.
- Jason Sullivan stated that the purpose of the subcommittee was to evaluate the impact of residential well use on ag operations and develop a list of recommendations to amend the subdivisions regulations regarding the number of allowed wells for the planning board to consider. He started by giving an overview of the subdivision process and how subdivision regulations in North Carolina work. He explained the different categories of the division of property in Chatham. There is an exempt category, for instance if there is a subdivision with lots larger than 10 acres, or if there is a recombination of property. Minor Subdivisions are classified as being 5 lots or less and have varying rules and procedures. Major Subdivisions are separated into two processes, pre 08 and post 08. There was a major change in the regulations in 2008, and there are still major subdivisions that fall under the pre-08 process. There are also options for Planned Unit Developments and Compact Communities, so there are lots of options for developers who choose to work in Chatham.
- Mr. Sullivan continued the presentation by going into more detail about the development regulations and process of approving a major subdivision.
- Presentation continues
- Mr. Sullivan asked if anyone had any questions?
- Clyde Frazier asked with regards to subdivisions with wells, do you have any sense of where those are?
- Mr. Sullivan said he would try to find his list and show it on the screen. He said there was a spreadsheet with that information.
- Mr. Frazier said it was fine if he couldn't find the information right now, but that it seems like it would be good to have when thinking about the pattern of development and what we need to do.
- Mr. Sullivan continued by showing the plat of a typical major subdivision utilizing wells.
- Mr. Sullivan asked if anyone had any more questions. There were none so he continued on with the Presentation of the comprehensive plan. This is a policy document not a regulatory one. After giving a brief overview of the policy framework Mr. Sullivan asked if anyone had any questions.
- Sharon Day asked how the Planning Board could actually use the Comp Plan because it isn't regulatory?
- Mr. Sullivan explained that from a Zoning standpoint the comp plan might hold more weight than the subdivision regulations because the board of commissioners and the

planning board have more discretion in their decision-making for the zoning process. If someone submits a rezoning for a particular property inconsistent with the comp plan, the planning board and commissioners have greater authority to say they are not going to approve it. Their decision can be based on the comp plan and would be legally valid in court. Regarding subdivisions, the comp plan can be used as an evaluation tool, but it can't be used to deny the subdivision. Planning staff try to reference the comp plan in the notes for the planning board. It is more difficult for a board to deny a subdivision because of inconsistency with the comp plan. Planning staff would usually recommend if the board had an issue with the area the subdivision is locating, it can address those during the UDO process.

- Ms. Day speculated that the comp plan doesn't do very much then?
- Mr. Sullivan agreed that it does not for subdivisions, except for informing the decisions on changes to the rules.
- Mark Ashness said the comp plan is very similar to what other jurisdictions have and is typically used as a zoning mechanism. There is a zoning ordinance, but they have intentions for what they want to do. The comp plan can be used as the impetus for the approval of a rezoning.
- Mr. Sullivan continued by explaining that comp plans are actually mandated by the state as part of the new 160D legislation. The legislature has placed a great emphasis on using comp plans to inform the decision-making process. It is also intended to provide predictability in a process. Planning staff always recommend that developers look at the comp plan before they submit.
- Mr. Sullivan showed a slide from the comp plan that showed a distinction between two types of subdivisions, and which one would be preferable. He explained that these types of distinctions will be part of the UDO. The slide showed an ag friendly subdivision model. Mr. Sullivan also pointed out that members of the ag communities sometimes rely on their land as their retirement and would want to sell for the highest and best use, which would usually be for a residential subdivision.
- Ms. Siverson asked how that particular ag friendly subdivision would work with wells? Does that assume individual wells, community wells, or county water?
- Mr. Sullivan said that is something that would have to be considered. On the comprehensive plan side, it didn't delve too deep into those issues. The development community will have to be at the table during the udo process.
- Mr. Sullivan continued the presentation by going over the upcoming UDO process. Right now, the county has approved 400,000 dollars for the process and has selected two consulting firms for code writing and outreach. We are in the process of getting the contracts in place with the firms. Agricultural concerns will be part of the UDO process.
- Ms. Day asked how development has changed sense Covid ?
- Mr. Sullivan said that planning staff thought there would be a slow down in development, but it has been the opposite. Right now, the planning department is

working with four different developers that are actively designing subdivision projects. A lot of interest in the Moncure area because of access to US 1.

- Ms. Day asked if we thought we had five years to develop the plan ?
- Mr. Sullivan said that while that timetable might not be ideal, it is typical for such a document. Chatham county has an active population which is a good thing but will add time.
- Ms. Siverson asked how the effort of the Subcommittee will fit into the UDO process, how will the recommendations fit in?
- Mr. Sullivan explained that just because we enter into contracts with UDO consultants doesn't mean the county business stops. We will continue using our existing regulations and amending them during the process. The recommendations from this subcommittee and if the planning board wants to amend regulations that can happen right now. We will just have to make sure the UDO consultants are aware of the changes. There are some aspects of our regulations, such as the four-step subdivision framework that work great and will likely not change very much.
- Ms. Siverson asked how likely it would be for the UDO to have a special zoning designation for areas that have been designated as areas in the comp plan?
- Mr. Sullivan said that there will be some type of zoning or overlay district that reflects the future land use conservation map that came from resident input during the comp plan process. There will be some type of regulation put in place to protect those areas as much as possible.
- Ms. Siverson asked if the subdivision ordinance placed any restrictions on developments based on lack of infrastructure, like the private road provision?
- Mr. Sullivan said if you are building a major subdivision and want to have public roads all the permits go through DOT. There is a mechanism in the subdivision ordinance for developments that want to have private roads, such as parks at Meadowview, whereby the developer submits a project for review. There is also a zoning process for PUD's that overlaps. For a developer that wants to do a standards subdivision with private roads there is a cap on the number of lots, approximately 25 lots, and the lots have to be 5 acres in size. That doesn't happen much. From an environmental standpoint one of the regulations that has the biggest impact on subdivision layout is the riparian buffer rules.
- Ms. Day asked if a developer came in and they had all boxes checked and they wanted to develop in a protected area, is there anything stopping them?
- Mr. Sullivan explained that such a development would have to go through all the review and approval processes and the board of commissioners would have to approve it. However, if the BOC rejects a subdivision that has met all requirements, we could/will end up in court. Usually, local governments do not do well in court when the developer can prove they met all the land use regulation requirements.
- Ms. Day said it is difficult to stop a developer?
- Mr. Sullivan said that the idea is that the local government has made these rules to regulate land use, and the developers can prove they have met the rules. If you don't

like your rules you can change the rules. Some local governments have blended subdivision approvals with a zoning component. For instance, if you want a private wastewater system you would need a SUP. There is always an expectation of approval if the developer meets all the requirements.

- Mr. Sullivan continued by saying the good thing about adopting a UDO is that you end up with a set of regulations, that in general, everyone is happy with. Right now, the county has a comprehensive plan that doesn't match our current regulations, which is typical. We are caught in the interim period where our regulations do not meet the standards of our long-term vision.
- Ms. Siverson asked if Mark Ashness wanted to give any insights as to the developer's point of view?
- Mr. Ashness said he agrees with what Jason has said. Anytime a developer is taking a risk, the developer is going to follow the rules of the jurisdiction. So, if it's a straight subdivision its going to be following the rules that are in place today. He also gave a recent example of the Wilsonville rezoning in which the county zoning didn't match the node suggested in the comp plan. Developers want to stay within the parameters of the regulations.
- Ms. Siverson said that hopefully for the next meeting we will have a well driller present and if not, its going to be time to start wrapping the meetings up and coming up with the subcommittee recommendation.