



## Chatham County Planning Board Minutes March 2, 2021

The Chatham County Planning Board met in regular session on the above date as a remote meeting due to the current health restrictions for the COVID-19 virus. Members present via GoTo Webinar meeting were as follows:

### Present

### Absent

George Lucier, Chair	Caroline Siverson, Vice-Chair
Jon Spoon	Jamie Hager
Clyde Frazier	Emily Moose
Allison Weakley	Bill Arthur
Eric Andrews	James Fogleman
Dustin Mauldin	

### Planning Department

Jason Sullivan, Planning Director, Kimberly Tyson, Subdivision Administrator, Janie Phelps, Zoning Official, Hunter Glenn, Planner I, Chance Mullis, Planner I, and Daniel Garrett, Clerk to the Planning Board.

### I. CALL TO ORDER:

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

### II. VIRTUAL MEETING GUIDELINES:

Mr. Sullivan gave an overview of the virtual meeting guidelines provided by PowerPoint.

### III. DETERMINATION OF QUORUM:

Chair Lucier stated there is a quorum, 11 members present.

### 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:

Consideration of the February 2, 2021 Planning Board minutes. Motion made by Mr. Fogleman to approve the minutes, second by Mr. Arthur and the February 2, 2021 minutes were approved 11-0, unanimous.

### VI. ELECTION OF OFFICERS:

#### 1. Election of Planning Board Chair and Vice-Chair

Mr. Lucier nominated Mr. Spoon to be the new Chairman of the Planning Board. There was a roll call vote and Mr. Spoon was elected the new Chairman with an 11-0 unanimous vote. Chair Spoon opened the floor to a nomination for Vice-Chairman. Ms. Siverson nominated Mr. Lucier to serve as Vice-Chairman of the Planning Board. There was a roll call vote and Mr. Lucier was elected the new Vice-Chairman with an 11-0 unanimous vote.

VII. PUBLIC INPUT SESSION:

Chair Spoon asked that each citizen who wished to speak to raise their hand after the staff notes at each item. There were no citizens to speak on a topic not related to the agenda.

VIII. SUBDIVISION:

1. Request by Kirk Metty for subdivision **First Plat** review and approval of **Chestnut Creek**, consisting of 14 lots on 49.15 acres, located corner of Jones Ferry Road, SR-1540, parcel #1439.

Ms. Tyson stated the request is for First Plat review and recommendation of Chestnut Creek Subdivision, consisting of 14 lots on 49.15 acres, located off Jones Ferry Road, S.R. 1540. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval, or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal.

The Planning Board reviewed this item during their February 2<sup>nd</sup> remote meeting and several adjacent property owners spoke about concerns with the proposed project. Mr. Jack Fowle stated he enjoys the dark nights and request no street lights or pole lights in individuals' yards, concerns with the impact on groundwater, impact on the traffic, and request utility lines be buried. Mr. Stewart Bryan's concerns included stormwater runoff, an unnamed tributary that flows under Walnut Branch Road in recent years has topped the banks due to the timbering on the property, and there will be 5 individual septic crossings next to his property and he hopes the crossings can be consolidated. Mr. Carl Bose's concerns were lighting pollution, dogs entering his property since he owns horses, hopes for a barrier or fence to avoid trespassing of people and pets, and hopes the development is low impact. Ms. Chris Liolia's concerns included stormwater issues, septic pumped across the creeks, water quality of the streams that flows through her property and the ability to get in and out of her property, who will maintain the stormwater devices and the septic lines.

Board members questions included a stormwater pond located partially in a stream buffer, septic drain area near Earle's property and their well, individual stream crossings for each septic on Lots 3-10, where will the upgrading of the road end, can the multiple stream crossing be reduced, how will the equipment to install or repair the septic areas access the septic fields across the streams, lighting, impacts on the groundwater, tree removal, any plans to restore the impacted buffer areas during timbering, and will directional boring be an option.

Mr. Kirk Metty, developer, was present and explained that Mr. Drew Blake, Chatham County Senior Watershed Specialist, requested a certified letter stating no buffers will be impacted with the construction of the sedimentation ponds and a letter was provided. Mr. Metty and Mr. Blake agreed that the septic lines crossing the streams are to run parallel along the lot lines of Lots 3 and 4, Lots 5 and 6, Lot 7 individually, Lots 8 and 9 and Lot 10 will run in an easement around the riparian buffer. The upgrade of the road will be from Jones Ferry to beginning of Lot 14 and will no encroach on the riparian buffer. Temporary crossing will be in place to get to the septic field areas and Mr. Metty commented that he would like to install all the septic fields at the same time to minimize the stream crossing. The homeowners will be responsible for access if there is a repair needed in the future and this can be completed by a temporary crossing. No street lighting is proposed for this project and no exterior lighting on the homes, and no pole lighting on individual lots. Mr. Metty stated, as to impacts to the groundwater he does not know what is happening 200' – 500' below the surface, he lives several miles away and has not had any issues with his well. The goal will be to minimize any tree removal, the logged areas will be home site locations, the largest impact will be for the septic areas. Mr. Metty explained he

will restore the riparian buffer when the culvert is removed, but beyond that he is not aware of any other restoration. Mr. Metty is looking at the option of directional bore but does not want to be limited.

Since the February 2, 2021, meeting Mr. Metty provided a revised plat, provided responses to Mr. Blake's TRC comments, and provided proposed pump septic routing (attachments 15-17). It is to be noted, per Mr. Metty email dated February 17, 2021, the proposed pump septic routing will not be recorded, it is to show the routing of the septic lines to the board.

The Planning Board was provided the most recent First Plat revision via email and the changes made from the plat received are the lot lines for Lot 14 now includes the septic area and not shown as an easement on Lot 13, Lot 13 is smaller, and 60' of road frontage for Lot 14 and the remainder of the road will be 30' easement.

Ms. Tyson stated in closing the Planning Department recommends granting approval of the road names Chestnut Creek Way and Meandering Way Court and granting approval of subdivision First Plat for **Chestnut Creek Subdivision** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners.
  2. Final Plat shall provide location of mail kiosk.
  3. Final Plat shall provide a note no ingress/egress for Lots 7-9 from Walnut Branch Road.
  4. A copy of the road maintenance agreement for Walnut Branch Road shall be provided to planning staff prior to final plat approval.
- Chair Spoon asked Mr. Metty to speak on the differences from the plat seen last meeting to the most recent changes to the current first plat. Mr. Kirk Metty stated we responded to the comments regarding the septic lines by consolidating them into a single crossing with lots 3, 4, 5, 6, and 7 as shown on the plat that was provided, the goal is to reduce impacts to the streams and buffers.
  - Mr. Stewart Bryan stated there is a small stream on the property that is not reflected on the drawing. It is a well-defined drainage off of the road near the face of 9, 10A, and 11A drain fields and believes it is an intermittent stream. The problem with this property is it is nothing but drainages right on top of the other and they all interconnect and they are all important. As he sees it, lots 8 and 9 will need to cross two streams to reach their drain field. The other concern is the stormwater BMP in open space B will be located right in the corner and about 50' away from the intersection of those two tributaries that cross under Walnut Branch, those streams overflow and it is not clear how this BMP is going to work.
  - Mr. Metty stated concerning any other tributaries on the drawing, the start of this process was the evaluation by Chatham County staff, an Environmental Engineer, and the US Army Corps of Engineers. They went over all 49 acres to make all the different determinations of the streams. What is shown on this plat has a lot of time and a lot of money to develop based on the actual field conditions by the expert opinion of those three entities mentioned, who is much more knowledgeable about this than myself. What is out there on the property is shown correctly on the drawing. Concerning the BMP, obviously the BMP are there to buffer the runoff and they are set in the locations of the low spots in order to catch the maximum amount of water that would be running off and that is why they are in proximity to those tributaries. That was by design and the engineering design will be done on that based on the requirements to catch the water coming off of the 49 acres.

Planning Board discussion on the above item:

- Ms. Weakley asked if there were any resolutions from staff about the carry down rule that was mentioned during the last meeting? When the Environmental Review Advisory Committee (ERAC) wrote the riparian buffer rules for section 304 of the Watershed Protection Ordinance there is a reference to field procedures used by Chatham County staff that includes a provision for the carry down rule. Ms. Tyson stated Drew Blake from Watershed Protection could not find any information on the carry down rule. Mr. Sullivan stated he has also checked with Rachael Thorn the director of Watershed Protection and she said she is aware there were procedures that were drafted at that time, but we cannot find any documents showing they were ever approved or adopted by the Board of Commissioners.

Mr. Sullivan stated there is also question about the carry down rule as to how far that applies, a certain amount of feet, or does it apply the entire length of the stream where there is a change and may carry down several thousand feet. As far as the procedures themselves we cannot find where they were ever approved by the BOC and would not be in effect as far as applicability. Ms. Weakley stated they were codified via the ordinance when that ordinance was adopted because they are referenced. Mr. Sullivan stated we had this same issue with the design guidelines, they were referenced in the ordinance, but they had never been approved by the BOC and we had to go back to get the design guidelines formally adopted by the BOC. Ms. Weakley stated one of the reasons it was approached that way as a policy or procedure is, so you do not have to go back to the BOC every time there is a change in procedure. Ms. Weakley works for a local government where we have something very similar and used that model when we wrote the riparian buffer rules in Chatham County, it is a reference to a procedure document that is used by staff. Mr. Sullivan stated we have been advised by the County Attorney that documents like that have to be approved by the BOC. Ms. Weakley stated that is good to know and should be discussed by either the Planning Board or the ERAC.

- Ms. Weakley stated on lot 7 the house location is wedged between the end of the cul-de-sac and the stormwater treatment given where the septic easement is located. Mr. Metty stated yes, that is correct. Ms. Weakley asked if the home site for lots 5 and 6 are against the road. Mr. Metty stated yes, respecting the setbacks, but yes closer to the road.
- Ms. Hager asked if Ms. Weakley could explain the carry down rule and how it would impact this project if it were allowed to be enforced. Ms. Weakley showed on the plat the stream and wetland complex that runs from west to southeast with the 100' riparian buffer along the perennial stream and then if you follow it down the buffer goes from 100' to 50', with the carry down rule it would apply that perennial classification through that stream segment so the buffer would be 100' all the way through and that would impact the open space A whether or not it was within the buffer.
- Vice-Chair Lucier stated he appreciates what Mr. Metty has done to respond to the issues that were raised last meeting regarding the development, but there are still a few problems. The land itself as you know is not extraordinarily conducive because of the wetlands and the streams that run through it and all the draining that takes place. Of the 14 lots only lots 2, 12, 13, and 14 have septic areas that either do not cross streams or are located on their lots. The other 10 lots either cross streams or are off-site septic and this is one of the issues we are going to try to address during the UDO process. Vice-Chair Lucier stated this property can develop some lots, but not sure if it can produce 14 lots. Mr. Metty thanked Vice-Chair Lucier for his comments.

- Ms. Siverson stated she would like to echo the concerns of the Vice-Chair and as she looks at this property it is not meant to be subdivided in this way. It is also in the Land Use conservation area and believe subdivisions in that area should meet a higher standard of conservation and environmental protection, it does not seem like this plan is meeting that goal or ideal. Ms. Siverson stated she is having a really hard time supporting this subdivision because of those concerns. Ms. Moose stated she shares the same concerns and also has a hard time supporting this as well. She understands there have been a lot of resources and time put into this plan, but it seems like some pretty significant and outstanding issues have not been resolved.
- Ms. Weakley stated she has the same concerns as the other Board members. She appreciates the consolidated stream crossings, but still has a lot of concern for the off-site septic, the number of pipes, and pumping the waste uphill. She is also concerned about the flooding issues for the adjacent property owners, as we have seen 2020 was a very wet year and that is not going to be changing any time soon.
- Mr. Frazier asked what happens to the septic tank pumps during a power failure. Mr. Metty stated the pumps would stop pumping unless the home owner had a generator. The septic tank has a large amount of capacity near the house so it would be fine for a while. Mr. Sullivan stated this is also on well so there would not be any water coming into the house so they would only be able to flush the toilet once.
- Chair Spoon thanked the Board members for the discussion, and it was a difficult item to discuss. He has a great deal of respect for all the neighbors and their opinions and understands they were very disappointed to see this property logged and that changed the nature of their properties. However, that was not directly attributable to the developer and Chair Spoon stated he had met with Mr. Metty and walked the site which he believes the developer has made a good faith effort to work with staff to reduce the number of lots that he had initially hoped for, to get it down to a number that was reasonable and workable. Chair Spoon stated there is a lot going on in this site, but also thinks the developer has made great efforts to build something that does fit in that area and when it is a difficult decision he trusts the staff that and they have done an excellent job reviewing these plans and will support this item because it was recommended for approval by the staff and has a great deal of respect for the changes that were made between the two meetings. Chair Spoon stated he would like to open the floor to a motion for approval or denial.

Motion made by Vice-Chair Lucier to not approve this item, second by Ms. Weakley. Chair Spoon completed a roll call vote and the motion to deny this item passed 8-3, opposed by Chair Spoon, Mr. Andrews, and Mr. Mauldin.

- Mr. Sullivan asked if there are specific deficiencies as it relates to the regulations that can be noted so we can forward them to the Board of Commissioners. There are concerns with the septic lines crossing buffers but is there any specific sections a Planning Board member would like to reference so staff can include that in the notes. Vice-Chair Lucier stated his concern is that of the 14 lots only 4 had septic on their own property and the other 10 lots have off-site septic drain fields. If the developer reduced the lots to make it work so there is more on-site septic fields that would have been better.

- Chair Spoon stated the Board can work on pulling a synopsis of the discussion if that would help to submit to the Commissioners. Mr. Sullivan stated that would be fine if the Board would like to have a supplemental memo to include in the notes.

IX. ZONING:

1. A Legislative public hearing for a general use rezoning request by Brendie Vega, on behalf of Moncure Holdings, LLC & Moncure Holdings West, LLC, to rezone in full or a portion of Parcel No's. 92884, 92883, 5604, 5620, 5321, 5814, and 92449, being approximately 249.036 acres total, from R-1 Residential, to IH Heavy Industrial, located off Old US 1, Pea Ridge Rd, Christian Chapel Church Rd, and Moncure Flatwood Rd., Cape Fear Township.

Ms. Phelps stated a public hearing was held on February 15, 2021. Planning staff, Brendie Vega, representative for the property owner, Jason Kaplan, property owner, and Sam Rauf presented the item.

Donald Brown, a nearby property owner, voiced his concerns about the request for more industrial zoning and wanted to know why it was not done previously in 2018, what to expect, and had questions about the road.

Commissioner Dasher asked if his property was adjacent to the properties requested to be zoned, and they are not. He made the statement that these properties have been within the Moncure Megasite area since its inception.

Commissioner Howard asked where Mr. Brown's properties are in relation to the rezoning request. Staff displayed where Mr. Brown's properties are in relation to the request. They are about 1.3 miles south of the closest rezoning request off Moncure Flatwood Road.

Brendie Vega stated that their main goal is to set up the site to be more marketable. Sam Rauf gave input on behalf of the Economic Development Corporation that they are in support of the rezoning.

These properties are zoned IND-H, Heavy Industrial, and R1, Residential. The initial rezoning of the properties was approved on June 18, 2018 for 1670.45 acres to be zoned IND-H, Heavy Industrial. This area is identified as suitable for industrial use and is located within the Moncure Megasite Employment Center. The rezoning request is to rezone an additional 7 parcels, totaling 249.036 acres, from a split IND-H and R1 zoning, and R1 zoning, to IND-H, Heavy Industrial.

There are over 50 adjacent properties to the rezoning request. They include zoning districts of R1, Residential, IND-H, Heavy Industrial, and CU-IND-H, Conditional Use Heavy Industrial (McGill-Merry Oaks Composting Facility | McGill Environmental Systems).

When considering a general use rezoning, all uses listed in Section 10.13 of the Chatham County Zoning Ordinance listed under the proposed zoning classification are permitted. However, due to possible limiting situations such as wastewater capacity, access to public utilities, impervious surface limits, etc., not all uses are feasible. The decision to approve a general use rezoning shall be determined by the following criteria.

- 1. Any alleged error in the Ordinance, if any, which would be remedied by the proposed amendment.**  
The applicant is not claiming any error in the ordinance. **It is the planning staff opinion that this standard has been met.**

**2. The changed or changing conditions, if any, which make the proposed rezoning reasonably necessary.** The rezoning request is to bring the remainder of the properties controlled by the applicants into the same entitlements and zoning classifications as the existing neighboring similar use in proximity to the subject site. This will give Chatham County an opportunity to diversify its heavily agriculture-based economy and workforce to include a major employment center where a skilled workforce can blossom.

The properties are included, or are in close proximity, to multiple Employment Center nodes on the Comprehensive Land Use Plan, as well as existing IND-H, Heavy Industrial zoning districts. The amount of land of the properties surrounding the rezoning request are about even between R1, Residential, and IND-H, Heavy Industrial. **It is the planning staff opinion that this standard is met.**

**3. The manner in which the proposed rezoning will carry out the intent and purpose of the adopted Land Use Plan or part thereof. You must note specifics from the plan/s giving reference to page number and section.** The applicant states that by rezoning these properties to IND-H, Heavy Industrial, an influx of employment opportunities will enable residents to live and work in the County rather than commute to surrounding metropolitan areas. Objectives 4-7 and 10 of the Comprehensive Land Use Plan are proposed to be met.

These are:

- Diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting (Objective 4).
- Conserve natural resources (Objective 5).
- Provide recreational opportunities and access to open space (Objective 6).
- Provide infrastructure to support desired development and support economic and environmental objectives (Objective 7).
- Foster a healthy community (Objective 10).

These properties are within, or within close proximity to the Employment Center identified on the Comprehensive Land Use Plan Map.

Several sections and policies of the Comprehensive Land Use Plan are referenced that support the rezoning request:

- Economic Development
  - Policy 2: Encourage growth in designated Employment Centers, towns, and other appropriate locations.\*
  - Policy 3: Continue to develop and promote the Chatham-Siler City Advanced Manufacturing (CAM) Site and the Moncure megasites to ensure future job creation in the County.\*
  - Policy 5: Strengthen Chatham EDC's capacity to carry out business retention, recruitment, workforce development, and data gathering and dissemination activities.
- Land Use
  - Policy 4: Support future transit through land use decisions.
  - Policy 5: New development should demonstrate design principles that preserve rural and small-town character.
  - Policy 12: Work toward an open (clear/concise) and cooperative approach to land use planning and regulation.

- Natural Resources
  - Policy 1: Ensure the long-term quality of water resources.
  - Policy 2: Protect and improve site level green infrastructure.
- Parks and Recreation
  - Policy 2: Address recreational and open space priorities through planning efforts.
  - Policy 3: Increase the number and mileage of trails and greenways. **It is the planning staff opinion that this finding is met.**

**4. List all other circumstances, factors, and reason which the applicant offers in support of the proposed amendment.** There is no proposed tenant with this request, but once a developer is interested, all regulations will be followed in accordance with what is required. The applicant states that when the site is to be developed that Sections 10, 12, 13, and 15, along with any other applicable regulations, will be met.

The properties are within RCSA and WS-IV PA watersheds. There is another item from the applicant for a text amendment to the Watershed Protection Ordinance, which is being reviewed by the WRB/ERAC committee. That amendment is to revise the boundary of the area where the 10/70 rule can apply to the Moncure Megasite properties. The 10/70 option was approved by the Board of Commissioners for the Moncure Megasite in October 2016. **It is the planning staff opinion this finding will be met.**

**5. All other information required on this application or as offered by the applicant in support of the request.** Future development will coordinate with the Public Works Department in order to ensure appropriate water connections are planned and provided. The site will be served by the Regional Airport Sewer Extension Project that is currently under construction. It is anticipated that this sewer connection will provide sufficient service to the site, and permits are in place allowing the discharge of up to 244 thousand gallons per day. Due to the size of the megasite, there will be a variety of internal road improvements through and between the subject parcels. Stormwater and erosion control will be controlled in accordance with the Watershed Protection Ordinance. A 100-foot minimum vegetative setback on both sides of perennial streams and Best Management Practices will be incorporated to minimize water quality impacts. **It is the planning staff opinion this finding will be met.**

**Based on all standards being met, or will be met, it is the opinion of the planning staff the request for general use rezoning be recommended for approval.**

Ms. Phelps stated in closing the Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners on whether to recommend approval or denial of the rezoning request.

Should the recommendation be for approval, a consistency statement has been provided below for consideration.

The rezoning in whole, or portions, of Parcels 5321, 5604, 5620, 5814, 92449, 92883, and 92884 is consistent with the Comprehensive Land Use Plan of Chatham County by encouraging growth in designated Employment Centers, towns, and other appropriate locations (page 55). This request is also supported by continuing to develop and promote the Chatham-Siler City Advanced Manufacturing (CAM) Site and the Moncure Megasites to ensure future job creation in the County (page 55).



- Ms. Brendie Vega the applicant stated they are bringing two requests to Chatham County; one is to rezone parcels that are currently not zoned industrial, remove split zoned parcels as part of the megasite, and the other request is a text amendment for the watershed overlay district. Ms. Vega displayed the watershed overlay district map for the Planning Board to see the layout and she pointed out the flood plain areas on the map and stated these areas are undevelopable. Ms. Vega showed the Board all the parcels to be rezoned so they can get this site fully ready for a potential future user. There is active marketing of this site and one thing businesses are looking for in a location that it is all buttoned up and ready to go, which might be the make it or break it between us in Chatham County or another site in a different jurisdiction. Tying up these loose ends will make it a nice, neat package for a future user and that is the intent as we bring this rezoning item to the Board.
- Mr. Sam Rauf with Chatham County Economic Development stated they are actively engaged with marketing this site and are looking to attract users. This is one of the few locations in Chatham County where we can recruit heavy industrial and to try and take the tax base off Chatham County residents and bring industrial users to increase the tax base. This site was originally designed for one very large user to come in and take up the entire site and that is very much a possibility, but there also is a slight change in focus in getting the site ready for various size tenants. Rezoning these parcels will keep options open and increase our chances in landing businesses in this area where it is designated for growth in the Comp Plan.

Planning Board discussion on the above item:

- Chair Spoon stated this is 7 parcels up for rezoning at once, are we bound to consider all 7 parcels at once or are we allowed to split them if there is a parcel that is problematic? Mr. Sullivan stated the Planning Board recommendation can be less than what has been requested. Chair Spoon stated there are some parcels that are close to residential areas and then there are other parcels that just make common sense to have them connected to industrial areas.
- Vice-Chair Lucier stated parcel 92884 has a residential area just above it and does have dwellings on it. There seems to be a road that runs through the parcels and into parcel 92884, what are the thoughts of those neighbors just north of parcel 92884? Ms. Phelps stated there have not been any comments from the neighbors in that area of the project. Vice-Chair Lucier stated there is a road that runs through the residential area and into parcel 92884, is that an easement that runs through the residential area? Ms. Vega stated at this moment there is not an easement and there will be no intent to go through a residential area. Ms. Phelps stated the road is called R Family Rd and is an existing 10' gravel road. There was discussion about this road and Vice-Chair Lucier wanted to make sure there would not be any heavy industrial traffic going through the residential area. Ms. Phelps stated the permitted use items will go through the Appearance Commission and they look at access points to the sites. Ms. Vega stated they would not want any heavy industrial traffic to go through a residential area either.
- Vice-Chair Lucier has a question about parcel 5604, there is a big area owned by Woodall on parcel 67198 that appears to be all cleared out and does not appear to be zoned heavy industrial. Ms. Phelps stated that is a farm and is used for agriculture. Chair Spoon asked if that land owner has had any complaints about the rezoning's. Ms. Phelps stated no she has not been contacted by any Woodall's.
- Vice-Chair Lucier stated parcel 5321 previous zoning was heavy industrial and it went all the way up to the creek and now the area to the west of the creek is being requested to be rezoned, is any of that in the flood zone? Ms. Phelps stated yes and showed the Board the flood zone on GIS. Ms. Weakley

stated there is also wetlands shown on the conservation viewer. Vice-Chair Lucier asked how would parcel 5321 be accessed, would there be a creek crossing? Chair Spoon stated they could leave it like it is and offset higher density somewhere else on the site. Ms. Vega stated right now there are no plans for any parcel specifically, but the parcel is currently split zoned and one of our clean up items. Vice-Chair Lucier stated there would be no access to it without crossing the creek. Ms. Vega stated creek crossings are expensive and we try to avoid them, so maybe the idea of offset or a connection to Brown Hill Rd would be an option, it is too early to tell and cannot commit to anything at this point.

- Vice-Chair Lucier stated parcel 5814 has at least half of it in the flood plain area and the area near the Haw River is already zoned heavy industrial. Ms. Phelps stated parcel 5814 has an existing pump station. Vice-Chair Lucier asked if the pump station was functional. Ms. Vega stated she did not know if it was functional and this parcel is another clean up item as well and will avoid stream crossing.
- Ms. Siverson stated she understands why the applicant would want to clean up the split zoned parcels, but parcel 5604 is not connected to this larger area of what is the megasite, so why rezone that parcel? Mr. Rauf stated this parcel is close to the others but is by itself and the thought process behind this is the idea of having different size users coming to the site. If the megasite does have a single user then there would be a place for a smaller supplier operation to have a location. This will help draw the different and various users we are looking for as tenants. Ms. Siverson asked why were the parcels that are split zoned not zoned as one type of zoning originally. Mr. Rauf stated that is a good question and unfortunately, he was not in the position he is in now when the megasite was formed. As we are moving forward and trying to get this site marketable to different size projects, we are just attempting to tie up the loose ends. Ms. Phelps stated she can do a little digging into the previous rezoning file and see what she can find about that.
- Ms. Weakley stated she had supported the rezoning of these properties back 2018 when it was presented as a block and it is shown as an employment center in the Land Use Plan, but the majority of the parcels being requested for rezoning are shown in the Plan as rural and R1, other than the split zoned parcels. Ms. Weakley stated she is a little worried about scope creep in this area, especially the odd shaped parcels and 5604 as a stand-alone parcel being rezoned. Ms. Weakley showed the Board on GIS the Land Use map layer and pointed out all the rural and R1 areas. Ms. Phelps stated even though not all of the parcels are included in the employment center node the Land Use Plan and map are to be used as a guide and not hard regulations, they are in close proximity. Ms. Weakley understands, but there is scope creep and if we intended that entire area from US-1 south to be an employment center then we probably would have done that when we adopted the Land Use Plan. There are also a lot of the streams and wetlands and as we have seen flood plains in this area and this whole area drains into the Haw River.

Ms. Weakley stated during the presentation it was noted that there would be a 100' minimum vegetative setback on both sides of perennial streams, but no comments on other things like wetlands or development of the site will be subject to the current watershed protection ordinance, which includes buffers on wetlands in addition to perennial streams. Mr. Sullivan stated the projects may or may not be subject to new riparian buffer rules, they only apply when there is subdivision of property. Large tracts being sold that are recombination's subdivision of property the new rules would not apply, and they would default back to the 10/70 rule requirement which would require 100' buffer on perennial and intermittent streams. It all depends on if there is subdivision or not. Ms. Weakley thanked Mr. Sullivan for that information, and it is very good to know.

- Ms. Vega apologized for the map not identifying all the natural features, she specifically asked for flood plain to be shown on the map. She understands that there are other natural features on this site other than flood plains and they will recognize them. Not all of this property is usable because of the natural features, the 10/70 rule and the stream buffers would apply as well. Mr. Sullivan stated the State designation for that drainage south of Jordan Lake is 18,988 acres and 10% of that would be 1,899 acres. Ms. Vega stated the flat usable area will be more appealing and the natural wetlands, streams, and buffers will be avoided and keep the majority of the project on the large pad or several smaller pads. We would want to use up the 70% built upon area on those areas rather than encroaching on environmental features.
- Ms. Weakley asked when the ERAC meeting will be held for the watershed portion of this item. Mr. Sullivan stated the meeting is on March 11<sup>th</sup>.
- Chair Spoon asked how the Board was feeling about this item and if it would make sense to table it and see some more of the hydrology and wait until after the ERAC can review this as well. Chair Spoon stated he is very in tuned to the concern we have for the tax base in Chatham that is not really sustainable and does not allow us to provide the kind of services that we need to because we are too reliant on housing. Definitely recognizing and share some of Ms. Weakley concerns about seepage from industrial areas, if scope creep is going to occur that it makes sense to occur in these areas where it is already next to industrial areas and we have not had any neighbors complain about it. In service of trying to help our Economic Development and empowering them to sell this area and help our tax base it would be beneficial for us to work towards a place to approve some of these rezoning's. If there is a specific parcel or areas a Board member absolutely cannot support, we need to identify what those are, what the concerns are associated with it, and the foundations to why we would deny that specific parcel for rezoning.
- Chair Spoon stated he would be open to tabling this item if we feel like we need more information or work towards taking a vote on some of the parcels that do not have any concerns. Ms. Weakley stated she would prefer to table the item until we hear the outcome from the ERAC meeting. Ms. Weakley also encouraged the Board members to go to the conservation map viewer and look at all the natural features. Vice-Chair Lucier stated it would be nice to move this forward and agrees Chatham County would benefit from the tax base, but also agrees with the concept of tabling this item until next meeting to gather all this information. Vice-Chair Lucier had a few concerns but supports most of the rezoning.
- Chair Spoon asked if a Board member has a specific question or concern for a specific parcel to send those questions and concerns to staff for the applicant to address. Mr. Sullivan stated it is okay to send questions and concerns to Ms. Phelps and she will get it to the applicant. Mr. Bode the Chair of ERAC would also like a copy of the questions and concerns before the ERAC meeting on March 11<sup>th</sup>.

Motion made by Vice-Chair Lucier to table this item until the April 6, 2021 Planning Board meeting, second by Ms. Siverson. Chair Spoon completed a roll call vote and this item passed to be tabled 10-0, unanimously. Ms. Moose had to excuse herself from the meeting prior to the vote.

X. NEW BUSINESS:

XI. BOARD MEMBERS ITEMS:

Update from the Planning Board liaisons.

- Chair Lucier stated he did not attend the Pittsboro Planning Board meeting, but they had a light agenda. He will be attending the March 11<sup>th</sup> ERAC meeting which will have the Moncure Megasite watershed text amendment.
- Vice-Chair Siverson stated she did not attend the Siler City Planning Board meeting, but they are still worked on amending their UDO. The well subcommittee had a presentation from Larry Bridges the Utilities Director about public water supply and there was also a presentation on agriculture.
- Ms. Moose stated via email the Agriculture Advisory Board did not meet in February.
- Ms. Weakley stated the Chatham Conservation Partnership next meeting will be April 15<sup>th</sup> at 9am as a virtual meeting and the topic will be Dragonflies and Damselflies.

XII. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivision spreadsheet
2. UDO Update
3. County network update

XIII. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:23 p.m.

Signed: \_\_\_\_\_ / \_\_\_\_\_  
Jon Spoon, Chair Date

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