



## Chatham County Planning Board Minutes November 8, 2021

The Chatham County Planning Board met in regular session on the above date and the meeting were as follows:

### Present

Jon Spoon, Chair  
Jamie Hager  
Eric Andrews  
James Fogleman

George Lucier, Vice-Chair  
Bill Arthur  
Clyde Frazier  
Allison Weakley

### Absent

Alex West  
Brittany Harrison  
Caroline Siverson

### Planning Department

Jason Sullivan, Director, Kim Tyson, Subdivision Administrator, Angela Plummer, Zoning Administrator, Chance Mullis Planner II, Hunter Glenn Planner I, Vance McNeas Zoning Official, and Dan Garrett, Clerk to the Planning Board.

### I. CALL TO ORDER:

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

### II. VIRTUAL MEETING GUIDELINES:

### III. DETERMINATION OF QUORUM:

Chair Spoon stated there is a quorum, 8 members present, Ms. Siverson, Ms. Harrison, and Mr. West were absent.

### IV. APPROVAL OF AGENDA:

Approval of the Agenda - Chair Spoon asked the board members if there were any issues with the Agenda. There were no objections, and the agenda was approved.

### V. PRESENTATION:

Presentation and discussion by the consultant White & Smith, LLC about the Chatham County Unified Development Ordinance (UDO).

- Mr. Tyson Smith from White & Smith, LLC a planning and law group introduced himself and his colleagues to the Planning Board. He informed the Planning board they will walk through the scope of work and the timeline for the UDO project.

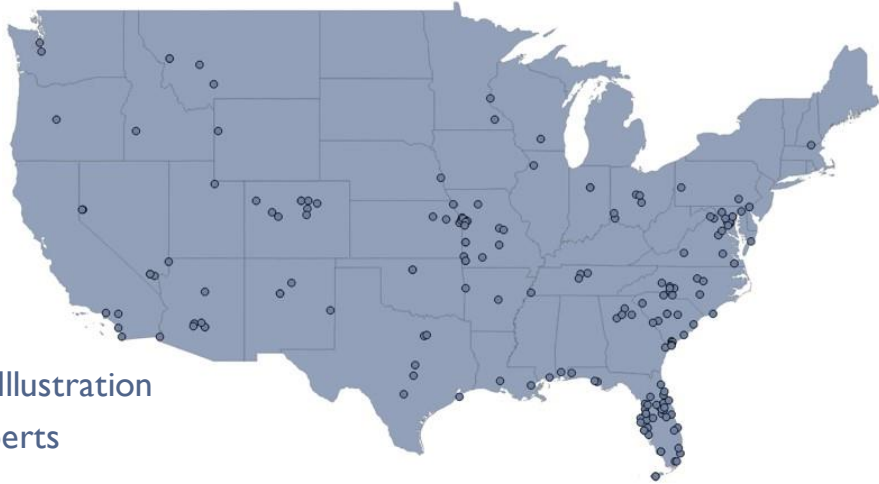
# RECODE CHATHAM UDO DEVELOPMENT CODES REWRITE

Focus Group Session  
Chatham County Planning Board  
November 8, 2021

WHITE &  
SMITH, LLC  
PLANNING AND  
LAW GROUP

## AGENDA

- Team Introductions (10 mins)
- Scope of Work, Timeline, and Project Website (10 minutes)
- Project Management & Input Protocols (10 minutes)
- Issues Identification & Board Feedback (1.5 hours)
- Next Steps



- Land Use Planners
- Attorneys
- Designers
- Graphic Design & Illustration
- Code and Plan Experts

## EXPERIENCE | WHITE & SMITH, LLC

## OUR TEAM



**Tyson Smith, AICP, Esq.**  
*Project Manager*



**Kelly Cousino, AICP**  
*Planning & Codes  
Manager*



**Sean Scoopmire, Esq., AICP Candidate**  
*Planning & Legal Associate*



**Mark White, AICP, Esq.**  
*Firm Principal*



**Justin Wallace**  
*Planning & Design*

## Introductions



**Holly Miller, PE, CFM, CPESC**  
Senior Planner – Water Resources

**Specialties Include:**

- Project and Program Management
- Floodplain Management
- Watershed Planning
- Stream Restoration
- Dams/EAPs
- Regulatory Program Management
- Stormwater and E&SC Compliance
- Construction Management and Administration
- Public Education and Outreach
- Grant Writing/Management



**Jonathan Smith, PE**  
Water Resources Engineer

**Specialties Include:**

- Hydrologic and Hydraulic Analysis
- NPDES MS4 Program Review
- Stormwater Engineering
- Green Stormwater Infrastructure
- Flood Control
- Ecosystem Restoration



**Bobby Tucker, PE**  
Water Resources Engineer

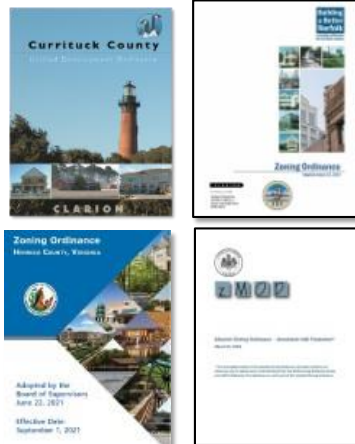
**Specialties Include:**

- Onsite Wastewater
- Watershed Planning
- Agricultural Engineering
- Stormwater SCM Design
- Hydrologic Modeling
- Green Stormwater Infrastructure
- Ecosystem Restoration
- Hydrologic and Hydraulic Analysis

## CLARION ASSOCIATES

### KEY PROFESSIONALS

**Craig Richardson Esq.**  
**Geoff Green, Esq., AICP**  
**Addie Sherman**



### PROJECT EXPERIENCE

- ✓ **New Hanover County NC** | Unified Development Ordinance
- ✓ **Currituck County, NC** | Unified Development Ordinance
- ✓ **Mooresville, NC** | Unified Development Ordinance
- ✓ **Beaufort County, SC** | Form-Based Code
- ✓ **Richland County, SC** | Land Development Code
- ✓ **Henrico County, VA** | Zoning Ordinance and Subdivision Regulations
- ✓ **Fairfax County, VA** | Zoning Ordinance
- ✓ **Prince Georges County, MD** | Zoning Ordinance and Subdivision Regulations
- ✓ **Larimer County, CO** | Development Code
- ✓ **Palm Beach County, FL** | Land Development Code
- ✓ **Cary, NC** | Land Development Ordinance
- ✓ **Kannapolis, NC** | Unified Development Ordinance
- ✓ **Columbia, SC** | Zoning Ordinance and Subdivision Regulations
- ✓ **Norfolk, VA** | Zoning Ordinance



**Ben Hitchings, FAICP, CZO**

- Principal, Green Heron Planning
- Fellow, UNC School of Government
- 30 years experience on planning issues



**Sample Projects**

- Johnston County 160D Ordinance Update
- Butner Land Development Code Updates
- Chatham County Compact Communities Ordinance
- Co-author, SOG 160D Guidance Document Series



NealonPlanningPLLC  
www.nealonplanning.com



**Meg Nealon, AICP, PLA**

**Relevant Project Experience in Area**

- Plan Chatham (Chatham County Comprehensive Plan), Chatham County, NC
- Apex Peak Plan 2030 (and previous plan), Apex, NC
- Fuquay-Varina Comprehensive Plan, Fuquay-Varina, NC
- Knightdale Next, Knightdale, NC
- Franklin Next Comprehensive Plan, Franklin County, NC
- Cabarrus County Natural Resource Conservation Overlay District, Cabarrus County, NC
- Union County 2025 Transportation Plan / Comprehensive Plan Update, Union County, NC\*
- Conservation Subdivision Regulations & Planned Unit Development District (PUD), Moore County, NC\*

*\* Indicates project completed while employed by LandDesign.*

**Expertise**

**Public Planning:**

- Land Use Planning
- Open Space Planning
- Policy Development
- Conceptual Design
- Standards for Land Development Regulations
- Public Engagement

**Private Planning:**

- Master Planning
- Development Design
- Zoning / Development Conditions



- Mr. Smith gave an overview of the scope of work.

# SCOPE OF WORK

## Stage 4: Adoption

*Zoning Module • Development Standards Module • Procedures Module • Definitions Module*

## Stage 3: Code Drafting

*Zoning Module • Development Standards Module • Procedures Module • Definitions Module*

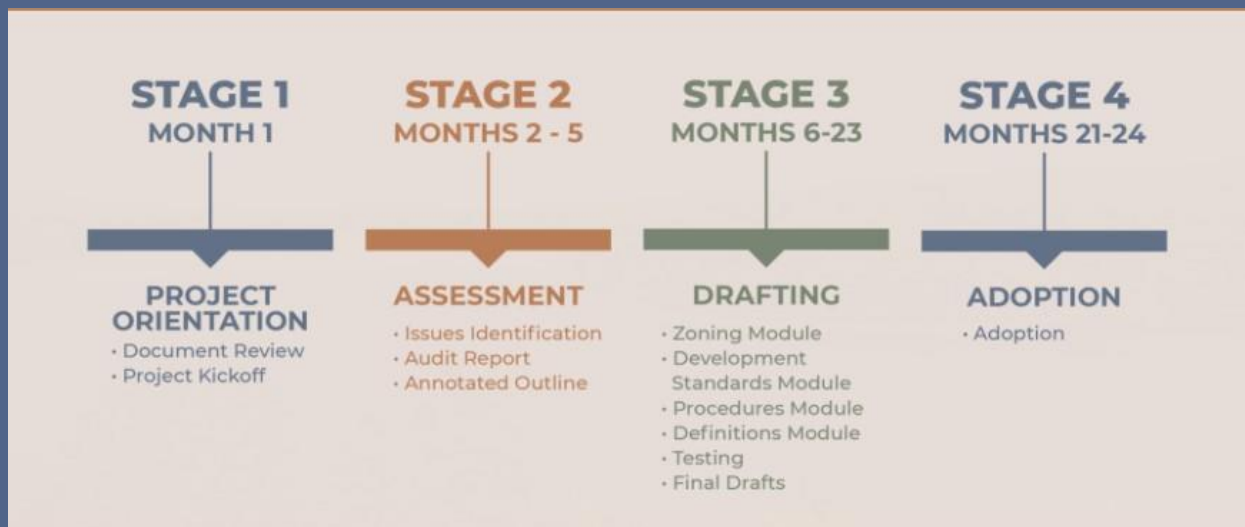
## Stage 2: Assessment

*Code Audit • Drafting Blueprint (Annotated Outline)*

## Stage 1: Project Orientation

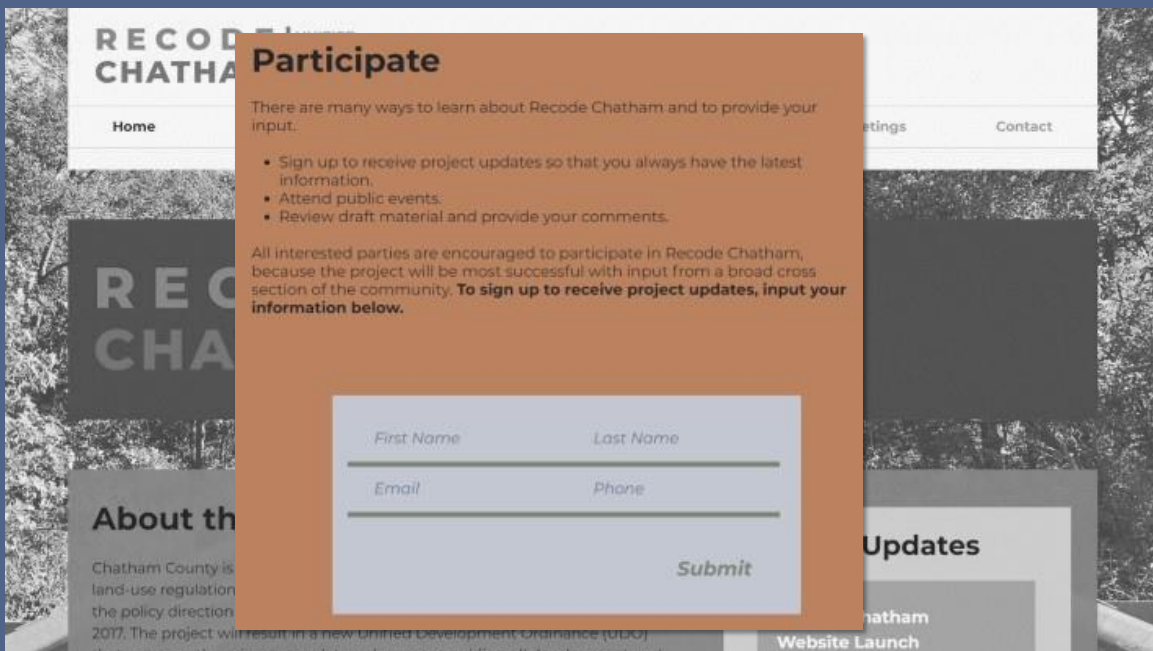
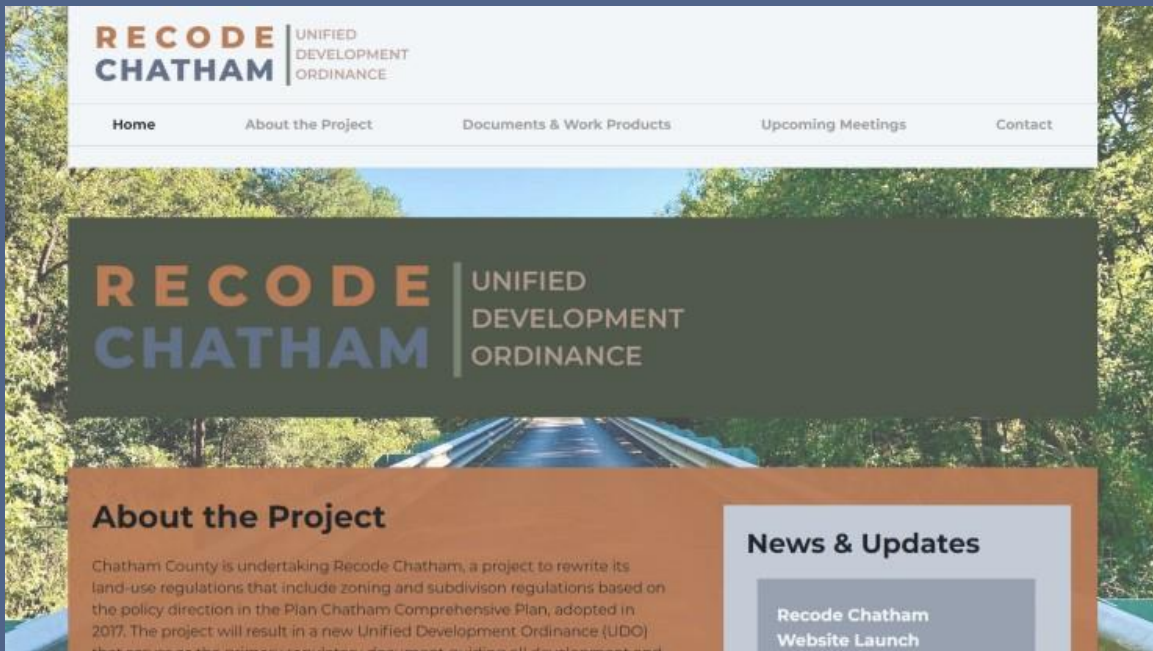
*Focus Group Listening Sessions • Document Review*

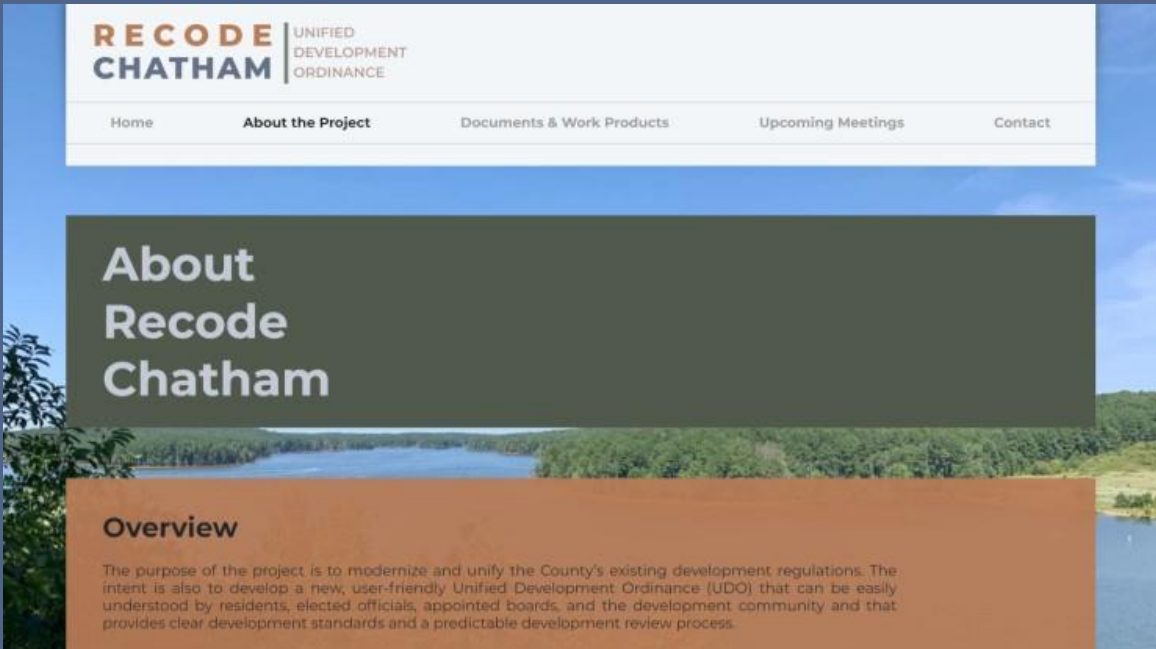
# ESTIMATED TIMELINE



- Mr. White stated originally the work scope for this project was anticipated for four years, but we heard that the county had a lot of urgent issues and we decided to compress this into two years. Staff and ourselves will be working with the Planning Board throughout the process.

- Mr. Geoffrey Green gave an overview of the UDO website.









- Mr. Smith stated this website can change as we go along and encourages the Planning board members to look at the website and let Mr. Mullis know if there are things we should change or add to make it better.
- Chair Spoon stated Chatham County has a lot of retired and current experts on many issues we are dealing with, to what degree will they be able to engage and share their in-depth ideas that they might have, or will it be more of a cursory reacting or poll questions type of input? Mr. Smith stated we do not want it to be cursory, but more like they will be able to react to what we have drafted. If we find that we need to have one on one meetings with anyone we are happy to do that or take other suggestions to make sure we are getting the input, you feel is valuable.
- Mr. Frazier stated he noticed there was not a meeting setup with the development community in the first round of meeting and was wondering if that was something that made sense to do. Mr. Smith stated that is a good point and staff had stated with all the input that was given during the Plan Chatham process it was important to start drafting because time is of the essence. It would be beneficial to hear from the stakeholders and development community once something is put into writing because their input would be more focused and more productive. However, if it is felt by the board or staff that we meet with anyone before the audit we are open and can arrange for that.

# PROJECT MANAGEMENT & INPUT PROTOCOLS

## Guiding Principles

1. Compliance with N.C. Statutes and legal parameters;
2. Implement Plan Chatham
3. Effectuating direction and policy of Board of Commissioners; and
4. Well informed decision-making;
5. Consensus solutions where possible;
6. Efficiency of Process.

- Ms. Plummer stated this process incorporates a lot of the Plan Chatham and the Zoning Ordinance; however, we have thirteen (13) different Land Use ordinances where nine (9) of them are administration process. The concern has been, are the other ordinances getting lost in the UDO because it seems to be a major focus on zoning when we have other things like subdivision,

telecommunication towers, etc. There needs to be a clear understanding that this UDO is not just about zoning. Mr. Smith stated the UDO will cover all the land use related topics such as watershed protection, telecommunication towers, signs, subdivision, zoning, and our goal is to touch on each of these important areas as they all relate to land use.

- Chair Spoon asked how we will make sure the planning that we are doing is not theoretical, but rather grounded to the realities we have in Chatham County, such as the investments or lack of investments we have made with public utilities or focusing development to municipalities that might not be prepared for the amount of growth to come. Mr. Smith stated the approach we take is to be well informed and thorough as a starting point when we draft. Step two, the focus groups we will be holding over the next several weeks are with the county's various advisory committees so that is a ground truthing process so to speak, but this is also an important role for the Planning Board. If there is something that seems too theoretical, we certainly want to bring that into focus as quickly as we can and that is the process we are laying out.

# PROJECT MANAGEMENT & INPUT PROTOCOLS

## Frequently Asked Questions

## **What is the purpose of the Focus Group Listening Sessions?**

To ensure Staff and the Consultant Team have a complete,-up to-date list of relevant issues and the context in which they have arisen.

## **What happens to comments received during the Focus Groups?**

1. They are used to inform the “Code Audit” and Code Blueprint/Outline
2. They inform our initial code drafts

## What guides the Consultants' initial drafts?

1. Plan Chatham
2. The input of the Focus Groups, the Public, Planning Board, BOC, and County Advisory Committees
3. Staff direction as we go

## What are the roles of staff versus the Consultant Team?

### The staff:

- responds to community and stakeholder queries and comments
- provides direction to Consultants based on the “Guiding Principles”
- keeps the Planning Board, BOC, and Advisory Boards informed

### The consultant team:

- prepares initial staff drafts and receives direction from staff for each module
- discusses alternatives with staff when several alternatives are available
- receives direct feedback from public, Planning Board, and BOC for each of the 4 Modules and during Adoption
- finalizes the UDO, based on Board of Commissioner direction during Adoption



## How will the Public know what's going on?

The “News and Updates” section of the website will include what currently is happening and what happens next, including drafting, staff review, and outreach phases.

- Ms. Weakley stated we get a lot of public input at the Planning Board meetings, and we want to make sure we get ahead of things so residents are aware of this effort that is happening and so many people rely on social media for information, is there an outreach effort that would include social media. Mr. Smith stated we will help staff with slides with updates for every meeting at the BOC. Mr. Mullis stated our plan this far is to connect with the Chatham County Public Information Officer, Kara Dudley and ensure we provide her with updates and the UDO website where people can go for all the current information. As far as other social media, the Planning department does not have any and it might be better to focus on the website platform and provide updates at every Planning Board meeting for people that might be interested. Mr. Sullivan stated we would be okay with pushing information out on social media, but we do not want ongoing conversations about the process within the social media because then we would have to have a staff member monitor comments and things could get off task quickly. Ms. Weakley stated she understands and wondered if there was a way to post information without comments allowed. Mr. Sullivan stated they might pursue that if there is a way to promote the UDO website through the main county social media.
- Chair Spoon stated as far as our comments and concerns as a board, Mr. Mullis will be our conduit to the consulting team. Mr. Smith stated that is correct, but if there is a need for one-on-one conversation, we are always open to that, we just want a chain of command so we can keep up with everything.

**What if a legal or statutory question comes up?**  
We will bring it to the attention of the County Attorney for direction.

**ISSUES IDENTIFICATION &  
BOARD FEEDBACK  
(~90 MINUTES)**

- Mr. Eric Andrews:
  - Concern about home businesses, at what point does rezoning become necessary.
  - Concern from homeowners and developers, the lack of awareness for the off-site septic systems. There are some homeowners that do not ever realize that they have an off-site septic and/or they do not know what they are supposed to be doing to maintain or monitor them to keep them running efficiently.
  
- Mr. Bill Arthur:
  - Is the UDO just a name for rewriting our ordinances and how is life going to change once it is adopted? Mr. Smith stated the UDO will combine subdivision and zoning regulations into the same code. Our goal after adoption is to have addressed the issues that do not work now and address the policies in the Plan Chatham document.
  
- Mr. James Fogleman:
  - Concerns about water quantity and the effect of new development on quantity. Residents are wondering if we are concerned at all about existing developments.
  - Concerns about wastewater related to new development, including associated cost.
  
- Mr. Clyde Frazier:
  - Shares the same concerns with off-site septic, most of the applications we get include some kind of off-site septic.
  - Issues we see are a combination of the soils, stream, and wetland buffers, which seem to make off-site septic necessary. If the plat does not include off-site septic, they include a functional equivalent with some very complicated flag lots.
  - Concerns about maintenance and locations of the septic areas. Can we have a mechanism to ensure long-term monitoring and maintenance of the areas and is there a way to make sure homeowners know where their off-site septic fields are located.
  - Concern about the way septic lines are run, they are either run on 15' easements or on long flag lots. There seems to be a lot of separate lines running parallel, is there a way we can encourage consolidation of those lines and community septic systems over individual septic systems.
  - Concerns about the Compact Community Ordinance, it was made for Briar Chapel which is a huge development.
    - The CCO calls for the development to have 100,000 sqft of commercial space and we are unlikely to see anything that large again in the area designated for Compact Communities.
    - We need to fundamentally look at that ordinance and strengthen the road access requirements. We recently had an application for a CCO, and they wanted it located on small, winding, rural roads.
    - It is not clear that the requirement for natural space is appropriate in the narrowest part of the 15/501 corridor. Do we need a different ordinance for developments that have access onto Highway 15/501.

- Concern about subdivision and zoning procedures, residents do not seem to always understand how the process works and when an action will be taken.
  - Planning Board members may receive too much information from the developers. (deeds, traffic data, grading information, etc.)
- Ms. Jamie Hager:
    - Concern about buffers and protection of natural resources in relation to new development.
    - Public concern and perception - is Chatham county supporting existing residents or is the new development and money coming in supersedes the needs of existing residents, we need to find the right balance.
    - Plan Chatham policies
      - Agrihoods and communities being more sustainable with a balance of natural resources and small businesses.
      - Affordable housing policies - requirements for the housing, possibly green buildings.
- Vice-Chair Lucier:
    - Concern with some issues with the Conservation Subdivision Ordinance
    - Concern with the Subdivision Ordinance and the off-site septic issues.
    - Chatham County is a county with 70,000 people, but it does not have a large city like most counties have, we have the vast majority of the residents living in areas that are not in the control of a municipal government. Historically the towns and the county have not worked that well together, and as we think about infrastructure needs, we need to think about the proximity to towns. Chatham does not have a wastewater system, so we rely on package plants and Pittsboro has their own growth issues right now. Sewer, septic, and water are big issues, some of the county has public water and part of the county does not, that in itself limits development because there is no sewer only septic systems.
    - Planning Board has limited control over subdivisions, the County Attorney said there is very little the board can do if the applicant has met all the subdivision requirements, even the BOC has very little control. Flexibility in the UDO would be very helpful in the decision-making process.
    - Riparian buffer ordinance and zoning ordinance are working well. We need to revise the permitted uses in zoning districts not only in the UDO, but on a regular basis.
    - The decision-making process works well, and most applicants understand the process.
    - The UDO will bring the thirteen (13) different ordinances together and removes some of the duplications and inconsistency that might exist.
    - New districts - a mixed-use district could help relieve some of the issues we see with applicants using the Compact Community Ordinance. A mixed-use district could help with smaller projects.

- Ms. Allison Weakley:
  - Concerns with water and wastewater issues, there are a lot of developments with off-site septic or package plants. Plan Chatham tries to guide development towards municipalities with existing infrastructure and we have not been doing that.
  - Concerned about scope creek and this needs to be addressed. Developers will say they are close to a node and therefore should be allowed to integrate into that node. Plan Chatham map was never meant to show at the parcel level.
  - Watershed protection is a big concern and very important. The local buffer rules, Jordan Lake rules, watershed protection district, and the compact community ordinance, all have overlapping, and, in some cases, no overlapping requirements and it can be confusing for a lot of people, it needs to be tightened up.
  - We receive a lot of last-minute public input and developer documents right before the meeting and it is frustrating when we are not given enough time to read the information or concerns.
  - The developers host a community meeting which is good, but are the issues brought up at the meetings being addressed? If the regulations do not require them to address the issues, they might not address it.
  - Natural resource protection
    - Chatham has been a leader in natural resource protection.
    - Chatham Conservation Partnership (CCP)- active in the county since 2006 and a lot of the recommendations that are in Plan Chatham in the natural resources section came from a comprehensive conservation plan that was published in March, 2011 and I was the primary author. The CCP also received grant funding to do a natural resource planning tool project for Pittsboro that might be applicable to the county. It looked at tree protection ordinances and a natural resource overlay district that could be used as a model for municipalities across the state. That might be a good resource for the team as you are considering natural resource ordinance regulations.
    - The Plan Chatham includes Wildlife Resources Commission recommendations and would like to see those recommendations written into ordinance language.
  
- Chair Spoon stated he received an e-mail from Ms. Siverson, and she is concerned about agricultural preservation, also ground and surface water quantity and quality.
  
- Chair Jon Spoon:
  - More tools are needed for us to be able to use.
    - Currently we have a blanket rule for impervious surface ratios. Maybe we could have conservation credits to fund land trusts for preservation.
    - Create a few mixed-use zonings throughout the county that is not just compact communities.
    - We have a lot of places where residential and business are in the same location and see if we could have a platform for public-private partnerships to create solutions to the lack of utilities water/sewer infrastructure. Public water hubs throughout the county that can be used for agriculture.



- Better framework for our high-density areas. Taller buildings for more concentrated development in appropriate areas.
  - Better planning in conjunction with NCDOT, improve connectivity.
  - Approach our greenway and park systems more comprehensively throughout the county.
  - GIS technology updates where we have parcel by parcel map that has Future Land Use designation. Land owners can see current zoning and what it is designated for in the future.
  - Off-site septic is important to address within our subdivisions.
  - Navigating and understanding NC pre-emptions is important and working with state agencies who has certain authority, where does their authority stop, and local regulations begin.
  - Rehabilitation code verses new construction codes. Preserve historical features with a history preservation code.
  - Clear process for mega-site developments.
  - Clear framework for agricultural subdivisions.
  - How we work and coordinate with municipalities, support each other's efforts.
  - Incorporate climate change, resiliency, disaster-preparedness.
  - Add incentives for what we want to see and provide flexibility to respond to innovate planning and development concepts.
- Chair Spoon asked the consultants if they have identified other areas in the country that have similar values, geography, and pressures that Chatham is experiencing now that has gone through this process successfully? Mr. Smith stated yes, we have, we have done a lot of work in Maryland in addition to all the work we have done in North Carolina and Virginia with the need and interest in preserving rural character, updating agriculture, new land uses, new trends, and values are important everywhere. Mr. Mark White stated we have done a lot of county work and a lot of areas with natural resources that are very important, and we have worked with other counties on their different levels of riparian buffers and the allowable uses. We have had a lot of work in Florida and dealt with wet climates and their natural resources. We are also working in Virginia and South Carolina preserving their agricultural/ rural areas for rural character and preserving night sky.
  - Mr. Andrews stated there is a lot of landlocked parcels within the county that do not have public road frontage. Consider requiring stub-outs for connectivity, landlocked parcels would benefit from a new subdivision next to them. We might see an increase demand for equestrian subdivisions.
  - Vice-Chair Lucier stated the 24-month timetable would be great, but other counties and municipalities have taken much longer than that for their UDO. Mr. Smith stated it is good to have a goal for the timeframe, we want to do it quickly and great, but great is more important. We are going to shoot for that 24-month timeframe, but we are definitely going to make sure it is done correctly.
  - Mr. Fogleman stated we need to include provisions for parks and recreation with the equestrian topic because there are issues with people riding their horses on private property. We also need the UDO to help business growth.

