

## **Meeting Minutes**

### **Chatham County Environmental Review Advisory Committee (ERAC)**

**April 13th, 2022 - 6:30 p.m.**

**Remote Meeting via Zoom**

### **Attendance**

**Staff:** Hollie Squires the Recording Secretary to the Environmental Review Advisory Committee

**Members Present:** Jeannie Ambrose, Mary Beth Koza, Elaine Chiosso, Alicia Koblansky, Amy Fulford, Diana Hales

**Members Absent:** Heather Holley, Andrew Clark, Frank Stillo, Jeanette Ragland

**Guests:** Tiffany Stuflick

#### **1. Call to Order @6:30 pm**

#### **2. Virtual Meeting Guidelines**

- Please keep microphones muted.
- Use the Chat Function if microphones fail or for connectivity issues.

**3. Approval of meeting minutes** - February 2023 minutes approved via Roll Call with minor changes.

#### **4. Vote for Chair and Vice-chair**

- Elaine Chiosso was voted chair and Alicia Koblansky was voted vice chair via roll call. Passed 6-0

#### **5. Public Input.**

- Tiffany Stuflick wanted to know what this committee was for and their stance on environmental issues. Mrs. Stuflick was directed to look to the affordable housing committee and the planning board for more information on conservation subdivisions and more hands-on action from the county. Her company is working to bring tiny homes to Chatham County, and they want to work with the county to help the community.

#### **6. Discussion of Chapter 9 of the Unified Development Ordinance Draft**

There were discussions that brought up concerns about changes, confusing language, and questions on different sections of the chapters. Attached is the comments and notes on the draft.

#### **7. Announcements and Updates:**

- **Planning Board Update from Jeannie Ambrose.**
  - Three new members Amanda Robertson, Kent Jones, and Shelley Colbert were appointed in the last planning board meeting on 3/7/2023.

- The consultants for the UDO gave a presentation on chapters 1,2,3, and 19, and will have definitions for the entire document. They also went over what is coming next, chapters 5 and 6.
- April 14, 2023, is the last day to fill out the Plan Moncure Survey.
- **Climate Change Update from Alicia Koblansky.**
  - They had a meeting on the 23<sup>rd</sup> to discuss a way for the county to be able to measure and track all our environmental goals for the Comprehensive Plan, which includes 20,000 acres. They are going to ask the BOC to hire a contractor to develop a way for the county to measure and track environmental goals that are part of the Comprehensive Plan.
  - Elaine Chiosso - The Haw River Assembly is doing a survey concerning climate change and what people know about it. Hope to use survey results to send letters to all elected officials to enact change. Hawriver.org is where the survey is located. An intern was hired to find out what all the counties and cities in the Haw River Watershed are doing about climate change.
- **ERAC would like to welcome Diana Hales to our committee.**

8. **Adjournment** Mary Beth Koza motioned, and Amy Fulford seconded. @8:12 pm

## **Notes and Questions from ERAC discussion, April 13, 2023**

### **UDO DRAFT #1 Chapter 9 Watershed Protection**

#### **Page 4 9.2.1**

##### **Applicability, General**

“Land subject to extraterritorial jurisdiction may be exempted from application of this Chapter pursuant to an interlocal agreement between the County and the municipality within the extraterritorial jurisdiction.”

Question: Are these interlocal agreements currently in place (with Pittsboro, Siler City)?

#### **Page 7 9.3.2**

##### **B. Amendment**

(This new provision allows landowners an opportunity to justify a change in the watershed boundaries.

Note: Since this deals with changes in the watershed boundaries, we believe the

Watershed Review Board, not the Planning Board should be the entity reviewing the request for changes.

#### **Page 8**

##### **Table 9.4 1-1 Maximum Development Intensity**

Note: 50% sees high for built-upon area in watershed critical areas WS-III-CA and WS-IV-CA.

B. Built-Upon Area

2. For purposes of this Subsection, the built-upon area of a lot containing a single-family (detached) dwelling shall be calculated as 100% of the lot's area.

Note: ERAC members did not fully understand this provision , despite further explanation in footnote 11.

#### **Page 9 9.4.1.**

##### **C. Density Averaging**

2. Land that is being used to meet vegetative buffer requirements, protected by conservation easements, or protected from development for other reasons is not used for density averaging.

Question: More details or explanation of “other reasons”?

#### **Page 10 9.4.1**

##### **C. 7**

Questions: Is “sheet flow” the same as diffuse flow? How is “maximum extent practicable” defined?

#### **Page 10 9.4.2**

##### **Table 9.3.2 Uses Prohibited in Watershed Areas**

Question: Is this Table complete? Why are industrial wastes and other polluting activities allowed in RC and RCSA, and Critical Areas?

#### **Page 13 9.5.2 Conservation Subdivisions**

A. Areas of concentrated development shall be located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways, considering site-specific factors such as topography and site layout as well as protection of water quality.

Note: Consider adding Upland Natural Heritage Areas as a site specific factor

### **Page 13 9.5.3 Vegetated Setbacks**

Note: If the section on Riparian Buffers has not been drafted yet, it would be better to leave this blank

### **Page 14 9.5.4 Public Health Regulations**

Note: Reports to the Watershed Review Board from the Watershed Review Administrator about threats to water quality and actions by the WRB to correct these violations is in the current Watershed Protection Ordinance but has not been a regular part of our functions. We'd like to discuss this more.

Also - given the number of recent rail corridor accidents resulting in pollution to waterways, this could be added to Section A.

### **Page 16 9.6.1**

#### **B. Watershed Review Board**

1. (b) No member shall participate in or vote on any quasi-judicial matter, such as an administrative appeal or a request for a variance, in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include but are not limited to a member having a fixed opinion prior to hearing the matter that is not susceptible to change;

Note: This provision seems inappropriate and unenforceable. It is not in the current Watershed Protection Ordinance.

The Powers and Duties section B.2 omits the Public Health Article 400 which is listed in the current WPO, and is written in this draft in Section 9.5.4

#### **Additional Comments, from Diana Hales, ERAC member:**

In the ReCode Chatham Audit Report (May, 2022) section on Watershed Protection, three ideas were mentioned "could" impact watershed protection:

- (1) County should consider expanding flood regulations to include the 500-year floodplain...increasing the size of riparian buffer areas; and
- (2) County should explore options for "incentivizing" additional buffer widths in accordance with State law, while ensuring continued maintenance, over time;
- (3) Zoning ordinance makes no mention of Watershed Protection Ordinance in the context of allowed uses, consultants suggest OVERLAY zoning districts to implement watershed protection requirements. Those might be good questions for Jason next time.

#### **About Chapter 9**

1) Page 9-3, footnote 1: Subdivision regulations: Does WRB want any review during subdivision process? As I understand the footnote, the current Ordinance provided no "affirmative" review duties, and consultant recommends procedures to be set so that Watershed Administrator reviews. No word pertaining to WRB. Then again, see footnote 27. I am confused.

2) Page 9-5, Table 9.3-1. I believe WS-II-CA is mislabeled. Should be WS-III-CA

3) Page 9-7, A Intensity Standards. Why are these built-upon densities higher here than for zoning?

4) Page 9-8, footnotes 10 and 11. I read this twice and now assume this entire section only applies to SUBDIVISIONS with multiple lots, rather than a single purchase of land to build a home. Or I am incorrect?

5) Page 9-10, footnote 13. Why is low-density development "no longer" an option??

6) Page 9-11, table 9.3-2 Uses Prohibited in Watershed Areas. On table why not PROHIBIT in WS II-BW and WS III CA, both New permitted residual land application, and New permitted petroleum contaminated soil sites. ??

7) Page 9-11. Agriculture, the setbacks should be 20-foot, per ncagr.gov HARD TO FIND SPECIFICS on ag setbacks since NO one wants to constrain farmers. Forestry is 20 ft.

8) Page 9-12. C. if change flood hazard area to 500-years, need to change this item about "...buildings, equipment, or material storage shall not be located within the 100-year flood hazard area..."

9) Page 9-13, section 9.5.4. Question for Rachel as Watershed Administrator. Has she found conditions that pose a threat to water quality and REPORTED to Watershed Review Board? Second, what is the process for WRB to take appropriate action? I THINK THIS ITEM WAS DISCUSSED AT ERAC.