



UDO PLANNING BOARD SUBCOMMITTEE MINUTES

Thursday, January 25, 2024, at 6:30pm

Webinar Pittsboro, NC

Attendance: Subcommittee Members: Jon Spoon, Clyde Frazier, Mary Roodkowsky, Elizabeth Haddix, and Tony Mayer.

Ex-officio: Mary Gillogly, Gail Friedman, John Graybeal, Chuck Walker, Elanie Chiosso, and Connor Jarvis.

Planning Staff: Chance Mullis, Angie Plummer, Kim Tyson, Hunter Glenn, Thanh Schado, and Dan Garrett.

Public Attendance: Jeannie Ambrose.

I. CALL TO ORDER

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

II. CHATHAM COUNTY APPEARANCE COMMISSION EX-OFFICIO MEMBER:

Chair Spoon introduced Ms. Elaine Chiosso and Mr. Connor Jarvis from the Chatham County Environmental Review Advisory Committee as new Ex-Officio members. Motion made by Ms. Haddix, second by Ms. Roodkowsky. The vote was to approve unanimously.

III. APPROVAL OF MINUTES

Consideration to approve the November 30, 2023, minutes. No corrections were required, the motion made by Ms. Roodkowsky to approve, second by Ms. Haddix the minutes were approved unanimously.

IV. UDO DRAFTS REVIEW

- Chair Spoon stated the documents we will be reviewing are the Chapter 7 Infrastructure and Public Improvements and Chapter 9 Watershed Protection.

Chapter 7 Infrastructure and Public Improvements:

- Chair Spoon asked if anyone had some big picture comments about this chapter to state them now and as we go further into the chapter, we can express comments specifically to a certain concern. Chair Spoon said as far as the tables are concerned, we need to make sure they are consistent with each other, especially the symbols used. Eric Andrews provided comments before the meeting and said he would like the focus on connectivity for both roads and pedestrian trails and do our best to guard against landlocking parcels. Ms. Friedman added connectivity for sidewalks as well. Mr. Chuck Walker stated both public and private roads seem to be tied to NCDOT standards and developers will most likely not want to keep the roads private, they would rather transfer maintenance to NCDOT.
- Chair Spoon said on page 7.4 why is it x's and dot's next to public streets under apartment complexes and mixed-use developments. Why are they not required to meet the same standards as a major subdivision? Ms. Friedman asked why minor subdivisions say 6 to 15 lots should be exempt from pedestrian and multimodal systems and stormwater drainage. That can be very substantial for some of those areas. Mr. Walker stated on page 7.5, A.1. did not see any language requiring as built was not listed.
- Mr. Walker said on page 7.7 A.1. mentions multiple direct connections, who is making the determinations of connectivity? Specificity is needed here. Mr. Andrews provided comments and asked if we could add some clarification here regarding private roads versus public roads. If we require connectivity and the roads are private, then it needs to be stated whether or not the adjoiner is obligated to and needs to contribute to any of the potential road maintenance fees of the applicant. Mr.

Frazier stated on section 7.2.3.A.2., does your neighbor get to determine your street layout? Clarity would be appreciated here. Chair Spoon said this avoids landlocking parcels, but you have to leave a way for them to be included at a later point. Also, under section B. some of these things would require 6 or 8 connections. Do they need to set that aside, is it going to be on a lot, is the ROW excluded on a lot?

- Chair Spoon said on page 7.8 section D. that is a large power to give the Planning Director. It would be better to give them a multi-step process between staff and advisory boards but not a full public hearing. Mr. Andrews also had comments that said we need to make this a difficult thing to do. If the Planning Director believes a waiver is warranted, I would like to see an explanation as to why the waiver was requested. This will give the issue special attention when brought before the Planning Board. Chair Spoon stated under section E., Gated Developments Prohibited, he believes a lot of people like gated developments, and we should not be completely prohibiting them. Mr. Andrews shares those concerns and commented, we are well aware of the negative connotations associated with gated communities, but I do not think we should prohibit them outright. Perhaps we could say “They are not looked at favorably.” Or “They are not preferred.” These communities are not going away and if anything, my experience seems to indicate they are going to be more common in the future, especially with 55 and older communities. Mr. Andrews said this could potentially cause problems with connectivity and they do not inspire a sense of community, but does not think we should outright ban a segment of the population that may wish to live in such a situation. Mr. Mullis stated staff recommended the consultants remove this language as well.
- Ms. Haddix stated in the first paragraph on page 7.9 they have one too many “shall” and needs to be removed. Mr. Walker stated we may need to add to this sentence dedication for slope easements. Mr. Frazier stated in section C. landlocked adjacent parcels, do we have to give this access for land, or do they sell it to you?
- Chair Spoon said on page 7.10 under 7.2.6.A. all streets in major subdivisions shall be public streets, we are in the one district where NCDOT does not allow utilities in the middle of the road and wondering if this will complicate utility placement for developers. Mr. Walker stated in section B, most of the streets in the county will be ribbon pavements. Secondary road standards do not have sidewalks or bike lanes in the detail. They keep referencing NCDOT, but we will need some sort of county standards if we are including these additional things. Ms. Roodkowsky said under section 7.2.5. street alignment and naming, could we put some language to make naming roads stronger and to not have similarities. For example, Stone Edge and Stone Ledge, it is too similar, and it raises 911 concerns.
- Ms. Roodkowsky stated on page 7.13 we should add “not drawn to scale” for this image.
- Mr. Frazier stated the lower figure on page 7.14, in my neighborhood we do not have these pullouts, but we use driveways. If driveways are available, would that be acceptable? County staff can double check regarding fire code versus allowability.
- Mr. Walker stated on page 7.15 section D. Limitation on Multiple Subdivisions, does language need to be included regarding exempt subdivisions?
- Mr. Frazier stated on page 7.16 in the table under major subdivisions with 50 lots or more, if they have smaller lot sizes, they are required to have sidewalks and greenways. A greenway is 132 feet per parcel. If you have an apartment on one parcel you will have a 132-foot greenway. That does not make a lot of sense. I also reviewed Savanna Ridge as a comparison. They have 78 parcels; you would need a total of 10,072 feet of greenway. If they did a greenway along every road, they would only have 8,000 feet of greenway. This would be a big layout issue and we need to make sure it is feasible. Chair Spoon said regarding the footnote for the table, what about subdivisions with mixed lot sizes, is the sidewalk required for the entire development or just the areas where it is .5 acre or less?

- Chair Spoon said on page 7.17 do we need some sort of density balancing system for greenways due to the site design hardship. We need to consider building a mechanism for that as well. Mr. Frazier stated NCDOT guidelines talk a lot about bikes, wheelchairs, etc. They have a 10 feet wide minimum width with 2 feet on each side. We do not need them that big. There is a standard in the next chapter for bodies of water where 4 feet of buffer disturbance. For smaller greenways (footpaths basically) we do not need to be that strict. Chair Spoon asked is the NCDOT roadway design manual the best guidance? It does not allow for better accommodated footpaths. Ms. Chiosso stated typically, a greenway is paved. Chair Spoon confirmed and that is likely not what the community would want. Chair Spoon also mentioned under section E. Ownership and Maintenance, this is a significant cost for HOA's to maintain all of these things. Mr. Walker mentioned the cost of insurance as well.
- On page 7.18 Mr. Andrews provided comments, we may wish to add something about the continued maintenance and replacement of those signs. If they are important enough to install, they should be important enough to maintain. Chair Spoon stated if we make them put up nice signs, is there a plan to make sure they do a good job to keep them maintained. Chair Spoon said in section 7.3.5.B. Underground Utilities, this statement seems like a complex standard, and I would prefer to not have this cause issue for our future standards. Ms. Roodkowsky stated the language "are encouraged" in this same paragraph. What does that mean? It is a question of judgement and how would it be judged and by whom?
- On page 7.19 in section C.2. Septic Systems, Mr. Andrews provided comments and said, It states that the Chatham County Environmental Health Department will review soil scientist reports and maps. Is this still necessary now that the state of North Carolina has given licensed soil scientists the authority to give permits and not go through County Environmental. Mr. Andrew does not know the answer and it might be separate issue. It might be a situation that alleviates some county stress to remove the review, or the county may wish to keep themselves in a position of additional oversight. Mr. Frazier said in section B.2. Private Sewage Treatment Facilities, it seems to me you would want them on a flag lot to try to hide them to some extent. Mr. Mayer stated he understands their trying to keep it away for neighbors but would rather it be located in the best place ecologically.
- On page 7.20 section 7.3.7. Public Water Connections Required if Available, Mr. Andrews comment is, he would like to see a waiver situation that he mentioned with 7.2.4 for connectivity. We should have a similar waiver situation for the water connection. Mr. Andrews thought there was a water board and if the costs were too much or if there was a sufficient amount of distance between the source and the development then the connection could be waived by the water board. There could be topographic or geological reasons for the line extensions being cost prohibitive. There was some board discussion with different examples of connections to utilities. Ms. Plummer stated if you want to change it, in the public utilities' ordinance, you are required to connect if you are within 200 feet of an existing water line. That is something to consider.
- Chair Spoon stated on page 7.22 section A.2. Form of Performance Guarantee, specifically the letter of credit. These can change too quickly; he would not be comfortable taking a letter of credit. A bad business can get a line of credit.
- Chair Spoon said on page 7.22 section 7.4.4.A Amount of Performance Guarantee, this gives the Subdivision Administrator the sole right to do this. This seems like a really big power and thinks we will need a table to understand reasonable cost estimates. Mr. Walker stated someone with a seal should do it.
- Chair Spoon said on page 7.24 section 7.4.7.A. Extension of Performance Guarantee, should we set a longer time frame than one year if we will receive continuous requests? Chair Spoon would like to see a little more structure to timelines and extensions.

- Mr. Mayer stated on page 7.25 section 7.4.9.A. Authorized agent of the County, who is that person? We need clarification on this. Chair Spoon said he has the same question on page 7.26 section 7.5.1.A, other reviewing agencies, who are these other agencies? Also, under 7.5.2.A.1. this is a long list of people who are able to sign off on things.

Chapter 9 Watershed Protection:

- Chair Spoon asked if anyone had some big picture comments about this chapter to state them now and as we go further into the chapter, we can express comments specifically to a certain concern. Chair Spoon said we are tying things to a lot of state standards. If the state gets more lenient, will that make our UDO less effective, or will we keep our standards even if they are not matching the State? Chair Spoon does hope this will keep all of watershed ordinances in one place. Mr. Walker stated there is some conflict with the way this written with the Cary Chatham land use plan. This is an interlocal agreements. Ms. Chiosso stated is this really going to work to use high density and restrict it by zoning? As a whole committee we did not feel comfortable with that. Overall, there is a lot about clear than the existing. Mr. Jarvis stated he has three comments. Slope ordinance has a best practice that aided their development around riparian buffer zones. Mr. Jarvis said he has comments for the density averaging calculation but will address on that page. All throughout this chapter, we need emphasize infiltrative stormwater tech rather than runoff directing ones. As we have more impervious surfaces, having them drain to infiltration basins that then refill the groundwater and avoid more environmental risk standards. Mr. Mullis stated it is important to notice that before we had high density in large portions of the county, but now we have made the change to only have that allowed in the nodes outlined in the Comprehensive Plan. Mr. Walker asked is there any overarching goal to hold runoff from predevelopment standards?
- Mr. Frazier stated on page 9.6 section E.1. has an issue that it does not apply to governments. They should follow the Watershed restrictions as well.
- Chair Spoon stated on page 9.7 section 9.3.1., should the watershed map to be maintained on paper as well as GIS. Do we really need to maintain a map on paper, this could become lost or outdated quickly. Chair Spoon also stated on the table under River Corridor, are we referring to the four rivers we have noted in the county? Mr. Frazier noted a typo in the watershed classification. Mr. Mullis made the edit to the document.
- Chair Spoon stated on page 9.9 the Watershed Administrator is referred to a lot, is this a position we already have? Ms. Plummer stated Ms. Rachael Thorn and Mr. Jason Sullivan are the Watershed Administrators for the county. It is a position appointed by the County Manager. Chair Spoon stated in section 3. how often can this process be initiated? Rain and flood patterns are changing often now.
- Ms. Haddix stated on page 9.10 section 3. This seems to be an incomplete sentence; it needs to be clearer. Mr. Jarvis stated Table 9.4.1-1 needs to be changed to read WS-II-CA. Mr. Frazier stated in the table under WS-III-BW lot size, should that be 20,000 sqft?
- Chair Spoon stated on page 9.11 within the footnote, it seems the number that is being reference is a typo. Mr. Mullis made note of it on the document to be corrected. Mr. Walker said is the number supposed to be 65,340 or 40,000? Ms. Plummer stated the 40,000 sqft is allowed if they have access to county water and the 65,340 sqft is the requirement for people on well. Mr. Walker said that makes sense with that information, maybe we should make it clearer to understand.
- Mr. Jarvis stated Table 9.4.1-1 needs to be changed to read WS-II-CA and Table 9.4.1-1 needs to be changed to read WS-II-CA. Mr. Jarvis also noted that we need to change WS-IV-CA built upon area, max to 30%. Mr. Mullis stated if we set it for one critical area then it makes sense to have continuity for critical areas WSII and WSIV. Mr. Jarvis stated Table 9.4.1-2 revise WS-IV-PA to 30% built upon area max. Mr. Mullis made edits to the tables as corrections were mentioned.

- Chair Spoon said on page 9.12 with the low density built upon areas, is it possible to have one parcel split between two different watershed districts? Ms. Plummer said yes, it is, and that is a good point to raise. Mr. Jarvis stated Table 9.4.1-1 needs to be changed to read WS-II-CA. Mr. Jarvis stated in section B.1. we should add the language, “however, the actual built upon area shall not exceed that which specified in the applicable maximum development intensity listed in Table 9.4.1-1 and 9.4.1-2 unless otherwise approved by Density Averaging” Chair Spoon wanted to make note about people who could be selling conservation easements.
- Mr. Jarvis stated on page 9.13 he wanted an addition of a clause in section C. “Density Averaging” which states, “In lots where development intensity exceeds that which would be permitted individually the exceedance of development % of land shall drain to and/or incorporate infiltrative stormwater management structure opposed to retention SCMs.” That change in what is initially specified would be directed to infiltrative technology because it will be sent back to the ground rather than runoff. Mr. Jarvis also stated to add “RC/RCSA, and PA in scope of DAC applicability” thus the section sentence would read: “If only of the paired lots is within the CA, PA, RC or RCSA of the watershed, the lot within the aforementioned portion shall not be developed beyond the maximum intensity allowed for land in the watershed area in accordance with Table 9.4.1-2.” Need to insure emphasis on infiltrative stormwater structures are articulated in this section vs. retention structures.
- Chair Spoon stated on page 9.14 within the table, under industrial waste, we will differentiate from the state standards and what industry makes what kind of waste. There was a lot of discussion about what should and should not be allowed in Table 9.4.2-2 Uses Prohibited in Watershed Areas, Mr. Mullis made the edits on the document that will be provided to the consultants.
- Chair Spoon stated on page 9.15 within Table 9.4.2-2 Uses Prohibited in Watershed Areas, there was a lot of discussion about what should and should not be allowed within the watershed areas and Mr. Mullis made the edits to the document as the members made their suggestions for the consultants.
- Mr. Jarvis stated on page 9.16 this is where he suggests we add the language from the Durham UDO slope ordinance. They have a good ordinance, and their language would be helpful for the consultants to consider. Mr. Jarvis provided the link to the Durham UDO. Ms. Chiosso stated we need to look at existing chapter of 164.3 and 164.6 for definitions and slope standards for what we can build on. We cannot be grading on certain kinds of slope. Mr. Jarvis does not think it is a bad idea to put it in here but do compare it to S&EC ordinance. Make sure the standards speak to each other.
- Ms. Chiosso stated on page 7.17 section 9.5.2.A. this could be a good place to add a phrase, “maximize infiltration to groundwater and minimize stormwater runoff...” and in the next section B add, “including Upland Natural Heritage Areas...”
- Chair Spoon stated on page 9.18 section 9.5.4. this could ban fracking or coal ash deposits near wells, but we have been preempted from regulating those types of things.
- On page 9.19 Chair Spoon said in section B. we need to indicate how important zone 1 and zone 2 are for the remaining chapters. Ms. Chiosso stated should we also explain how this stems from the Jordan Lake Rules and it is not just Chatham.
- Chair Spoon said on page 9.21 section D. is two years of demonstrated experience an ample amount of time to know this subject matter?
- On page 9.22 Chair Spoon said under section 3. Identification Procedures, curious about how the state law has changed based off the new law Mr. Sullivan shared recently with the Planning Board. We need to make sure we are following the new law.

- Mr. Frazier said on page 9.24 in section A.2. about removal of invasive species by hand, does this mean no use of herbicides? Chair Spoon wondered the same thing and the invasive species companies normally use tools and spray backpacks for management.
- Mr. Walker stated on page 9.25 section C. we should remove the phrase “safe passage for wildlife” from the paragraph. Mr. Jarvis had a suggestion about the wildlife phrase, to define this language to offer more clarity and the extent to which it would apply. Ms. Chiosso agrees that defining it more to apply to aquatic life but not mammals. Chair Spoon stated in section D. a 25-year 24-hour storm event is really a large enough event to measure what we will be encountering for the next few decades.
- Mr. Walker asked if on page 9.26 in section C.1. does this contradict section 9.6.5.?
- Mr. Frazier stated on page 9.27 section 8. does this mean you will require a permit if a tree falls in the stream? We should review this language for how does this apply to the extent of a minor activity. Mr. Jarvis stated footnote 39 should read “within the Jordan Lake Watershed.”
- Mr. Frazier stated on page 9.29 should we permit minimum impact trails along the streams? People like to walk by streams, and they will walk by streams, and we should allow it. Ms. Chiosso disagrees with that statement, and we should encourage a trail away from the stream. A path next to a stream causes a lot of problems. Mr. Jarvis stated under airport facilities we should consider fire retardants and the importance of that to our county. Ms. Chiosso said deicing chemicals as well and likes the idea of adding this and separating it as a fourth bullet.
- Mr. Walker asked on page 9.30 are the bridges for pedestrians, roads, or both?
- Chair Spoon stated on page 9.32 regarding fertilizer application, why only one application? Mr. Jarvis stated the fertilizer application should be broken into zone 1 and zone 2 by row with zone 1 as “allowable.” Mr. Walker asked what is the difference between a driveway impact and driveway crossing?
- Mr. Frazier stated on page 9.35 in the first section, what is the logic for a deck being eight feet height? Ms. Haddix stated this continuing to the next page is a bit confusing but with the additional language to be added later, this might clear up that issue.
- On page 9.38 under section Utility, electric, aerial, perpendicular crossings, Mr. Frazier raised concern that this is a significant change in our procedures to go from the Planning Board reviewing these items to the Watershed Review Board. Mr. Jarvis asked, when we define utilities, which include sewage? Mr. Jarvis said he would suggest giving sewage a separate row because of the environmental aspect for sewage for industrial wastewater.
- Mr. Jarvis suggested on page 9.39 to add “Herbicide treatment” as a use under section Vegetation Management, zone 2 use as exempt and zone 1 use as allowable with the use of spot application that is aquatically appropriate.
- Mr. Frazier stated on page 9.42 section d. we need to remove the word permanent. You cannot temporarily fell trees. Chair Spoon stated there is a typo in section 3 on page 9.43 there are double “in” and one of them should be removed.
- Ms. Chiosso said on page 9.45 for the Watershed Administrator, maybe define this better and understand the differences between the two different administrators. Ms. Plummer said Ms. Thorn has the lead as the Watershed Administrator, but in her absence, Mr. Sullivan will fill in. Ms. Chiosso stated in section 2. maybe a different word rather than clerk. Ms. Haddix stated the footnote on this page seems to be out of place.

- Ms. Chiosso said on page 9.46 section B. is this the same as the county's advisory board policy? Want to make sure since ERAC acts as both ERAC and WRB to keep a close eye on everything.
- Mr. Frazier asked on page 9.48 why are there two watershed protection applications and two permits, they are applied and issued at the same time. Staff will look into this question.
- Chair Spoon stated on page 9.55 section E.2. there could be a lot of these request and would want to be sure the staffing capacity is available to handle the volume.
- Mr. Frazier stated on page 9.56 it seems like the Watershed Review Board is making decisions, but in section F on page 9.57 it talks about appeals by decisions made by the Watershed Administrator. It is not clear what the administrator is deciding. Also, on page 9.56 section C. there are some things that can be submitted through a streamline procedure by staff and not necessarily needing public notice.

V. NEXT MEETING & DISCUSSION TOPICS

Chair Spoon said we will send correspondence for the next meeting and the chapter we will be covering once we receive that information from the consultants.

VI. ADJOURNMENT

The UDO subcommittee was adjourned at 8:37pm.