



Chatham County Planning Board Minutes July 16, 2024

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

<u>Present</u>	<u>Absent</u>
Jon Spoon, Chair	
Tony Mayer	
Amanda Roberson	
Nelson Smith	
Shelley Colbert	
	Mary Roodkowsky, Vice-Chair
	Eric Andrews
	Clyde Frazier
	Elizabeth Haddix

Planning Department

Kimberly Tyson, Subdivision Administrator, Angela Plummer, Zoning Administrator, Hunter Glenn, Planner II, and Daniel Garrett, Clerk to the Planning Board.

UDO Consultant: Kelly Cousino with White & Smith.

- I. CALL TO ORDER:
Chair Spoon called the meeting to order at 6:30 p.m.
- II. DETERMINATION OF QUORUM:
Chair Spoon stated there was a quorum, all 9 members were present.
- III. APPROVAL OF AGENDA:
Approval of the Agenda – Motion made by Ms. Robertson to approve the agenda, seconded by Vice-Chair Roodkowsky. The agenda was approved, 9-0, unanimously.
- IV. APPROVAL OF THE MINUTES:
Consideration of the July 2, 2024 meeting minutes. Motion by Ms. Haddix to approve the July 2nd minutes and seconded by Ms. Robertson, the minutes were approved 8-0-1, Ms. Colbert abstained because she was absent for the July 2nd meeting.
- V. PUBLIC INPUT SESSION:
There was not anyone who signed up to speak.

VI. UNIFIED DEVELOPMENT ORDINANCE:

1. UDO Module 3: Administration & Procedures Public Review Draft Presentation.

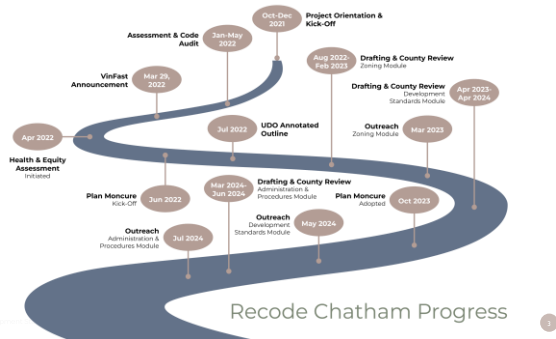
- Ms. Kelly Cousino a UDO consultant with White & Smith gave a presentation and answered questions from the Planning Board members. The presentation and comments are below.



AGENDA

- Recode Chatham Progress
- UDO Scope of Work & Anticipated Schedule
- Review of Administration & Procedures Module
- Next Steps

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UDO 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

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2024				
MAR	APR	MAY	JUN	JUL
Mar 1 Deadlines for Module 2 comments from staff and advisory boards	Apr 15 Module 2 Public Review Draft posted online	May 1 Deadlines for Module 3 comments from staff and advisory boards	Jun 25 Module 3 Public Review Draft posted online	Jul 15 & 16 BOC & PB Review of Module 3
UDO Submittal Review of Module 3		May 6 & 7 BOC & PB Review of Module 2	Scenario Testing (up to 10 sites)	
AUG	SEP	OCT	NOV	KEY
Aug 31 Consolidated UDO Draft Complete	BOC & PB Review Meetings (weekly for 2 weeks)	BOC & PB Adoption Meetings		Module 2 Module 3 Final Consolidated UDO

- Following adoption of the UDO, the consultant team will:
- Prepare the final UDO, with any edits required by the BOC.
 - Prepare an Administrative Manual; and
 - Conduct a training session with frequent code users.

ANTICIPATED SCHEDULE

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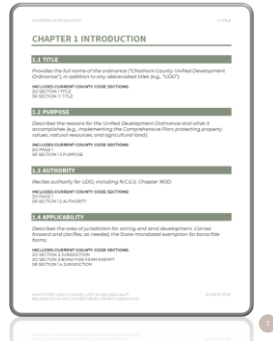
UDO ORGANIZATION

- Chapter 1: Introduction
- Chapter 2: Zoning Districts
- Chapter 3: Use Regulations
- Chapter 4: Development & Design Standards
- Chapter 5: General Subdivision Standards
- Chapter 6: Conservation & Open Space
- Chapter 7: Infrastructure & Public Improvements
- Chapter 8: Watershed Protection
- Chapter 9: Stormwater Management
- Chapter 10: Soil Erosion & Sedimentation Control
- Chapter 11: Flood Damage Prevention
- Chapter 12: Procedures
- Chapter 13: Reviewing & Decision-Making Bodies
- Chapter 14: Nonconformities
- Chapter 15: Enforcement
- Chapter 16: Rules of Interpretation & Measurement
- Chapter 17: Definitions & Acronyms
- Chapter 18: Submittal Requirements

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ANNOTATED OUTLINE

- Drafting “blueprint”
- Working document that is updated as the UDO takes shape
- Shows structure of UDO and where current code provisions are anticipated to be located



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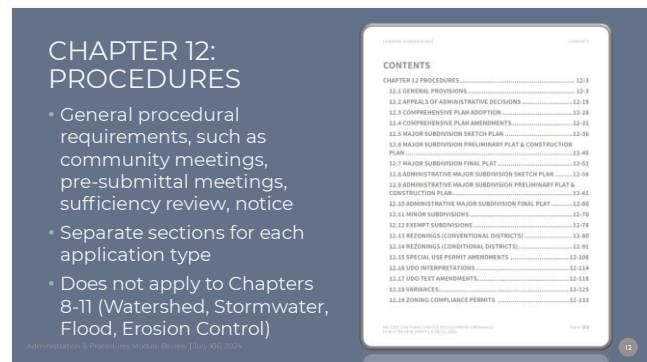
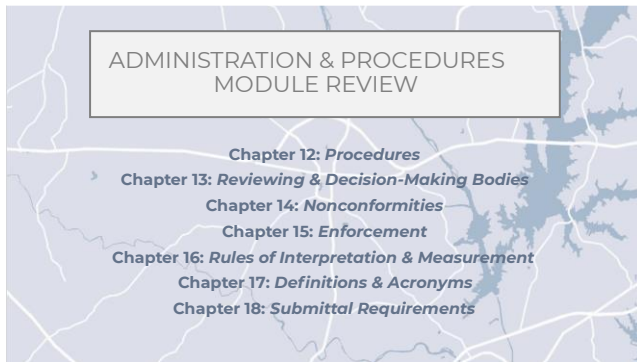
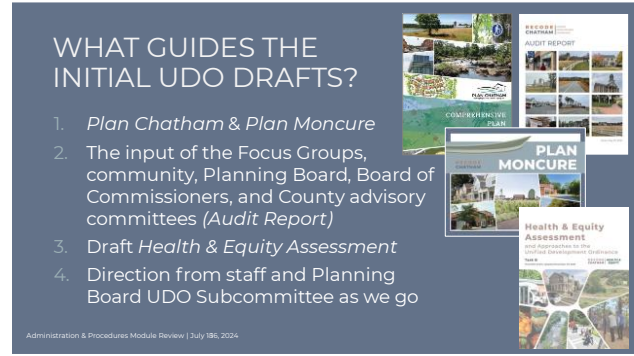


Table 12.1.3-1: Summary of UDO Procedures

Procedure	Type of Procedure	Reviewing, Decision-Making, & Appeal Bodies							Pre-Submittal Meeting Required	Community Meeting Required	
		Staff	TRC	AC	ERAC	BOA	PB	BOC			
Rezoning (Conditional Districts)	Legislative	R	R	R	R			R	<D>	Yes	Yes
Special Use Permit Amendments	Quasi-judicial	R							<D>	Yes	No
UDO Interpretations	Administrative	D							<A>	No	No
UDO Text Amendments	Legislative	R						R	<D>	Yes, if not County-initiated	No
Variances	Quasi-judicial	R							<D>	Yes	No
Zoning Compliance Permits	Administrative	D		R					<A>	Yes, for non-residential uses	No

Key: Staff = County staff | TRC = Technical Review Committee | AC = Appearance Commission | ERAC = Environmental Review Advisory Committee | BOA = Board of Adjustment | PB = Planning Board | BOC = Board of County Commissioners | R = Review Body | D = Decision-Making Body | A = Appeal Body | < > = Public Hearing Required

Table 12.1.3-2: Procedure Workflows

Element	Meaning
Purpose	Explains the reasons for a particular procedure.
Applicability	Identifies the type of development or situation that is subject to the process.
Initiation	Describes how the applicant begins the process, including which department or official receives the application.
Completeness	Describes how the County determines whether the application has sufficient information to be processed.
Application Amendments	Indicates whether an applicant can amend or change an application following the determination of completeness.
Notice	Describes the type of notice required and how it is provided.
Decision-Making Process	States who approves the application and the type of proceeding that leads to the decision.
Review Criteria	Specifies the standards that apply to the application.
Scope of Approval	Identifies the activities the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Appeals	Provides a way to review an application that is denied or an approval that has conditions the applicant disagrees with.
Application Withdrawal & Reapplication	If an application is denied or withdrawn, some processes have a waiting period before that type of application can be re-filed for the property.
Recordkeeping	Some procedures have specific requirements for maintaining records of applications and actions, which are included in this Chapter. County record retention policies govern other recordkeeping requirements.

NEW PROCEDURES (SORT OF)

- Comprehensive Plan adoption
- Comprehensive Plan amendments
- Special use permit amendments
- UDO interpretations
- Administrative major subdivisions
- Major subdivision sketch plan

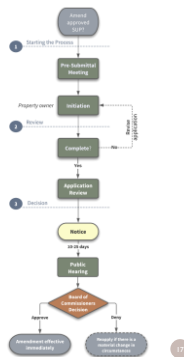


SUP AMENDMENTS

- Pursuant to staff input, Chapter 12 proposes a significant procedural change—the elimination of the Special Use Permit (SUP) procedure
- Corresponding revisions will need to be made to Chapter 3: Use Regulations
- Proposed is to require any uses currently designated in the Use Tables as SUP to instead require rezoning to a conditional zoning district
- Since Chapter 2: Zoning Districts proposes to eliminate parallel conditional districts, a new conditional district will need to be added to accommodate the SUP uses

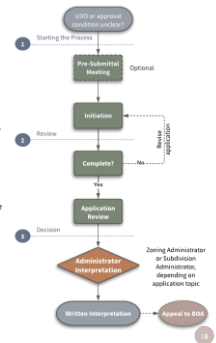
SUP AMENDMENTS

- Clarifies how the County processes changes to existing, approved SUPs
- BOC public hearing and decision
- Planning Board does not review since N.C.G.S. § 160D-301(b)(6) prohibits the use of the Planning Board's recommendation as a basis for the BOC's decision on a quasi-judicial matter



UDO INTERPRETATIONS

- Formalizes the process for obtaining an interpretation of UDO text or conditions associated with a conditional district or other development approval
- By Zoning or Subdivision Administrator, depending on the nature of the interpretation
- Appealable to the Board of Adjustment like other staff decisions



PROPOSED MAJOR CHANGES – SUBDIVISION PROCESS

- Three tiers:
 - Minor subdivisions (up to 5 lots)
 - Administrative major subdivisions (6 to 15 lots)
 - Major subdivisions (16 or more lots)
- Revised terminology for consistency with N.C.G.S. 160D
 - Sketch Plan
 - Preliminary Plat
 - Final Plat

- Mr. Frazier said he had spent a lot of time reviewing this procedure and cannot tell what is going to be included in the sketch plan. Ms. Cousino said we are still proposing application checklists for what is required to be on the sketch plan. Mr. Frazier asked if the checklist is available now to review. Ms. Cousino said it is not available at this time. Mr. Frazier said he was concerned that the suitable soils information would not be located on the sketch plan like it is currently on the First Plat, that is really important information because that is what really drives the design of the subdivision project and would hope the Planning Board would have that information when reviewing subdivisions. Ms. Cousino said the Environmental Impact Assessment (EIA) does require a reasonable amount of information about the soil. In the subdivision process, that is required when the subdivision will have 10 or more contiguous acres and disturbers 10 or more acres, so that should capture most of the major subdivisions.
- Mr. Frazier said we as a board rarely see subdivisions that do not meet the legal requirements, but what we can do is make suggestions to make them a little better with the agreement from the developer and that depends importantly on having the soils information and to where the lot lines will be located due to the septic soils. Mr. Frazier said he feels very strongly that the board needs that information. Ms. Cousino said we can include that with the checklist of required materials.
- Mr. Andrews said that jurisdiction might be outside of Environmental Health now with the new ruling for soil scientists. It does not have to be approved by Environmental Health like it once was, it can be approved directly by a soil scientist now. Ms. Cousino said that is correct, that is an option.
- Mr. Mayer said he agrees with Mr. Frazier and is also concerned the board will not have all of the information to make accurate decisions. Ms. Cousino said part of the intent was to limit the amount of information the developer needs to provide that early in the process, but if it is that critical information for your review then we can add that to the required list of materials. Chair Spoon said the parcels that do not have access to sewer a preliminary septic plan is something that we as a board are used to reviewing and would like to continue to do so. Ms. Cousino said that is okay.
- Mr. Andrews said it is his understanding that septic approval and what qualifies for septic is outside of our jurisdiction. We are allowed to approve the lot lines that might be based on septic and agrees with Mr. Frazier about the subdivision design and how important that is in our review. Chair Spoon said we did get close to passing a rule where we would not allow off-site septic which was within our purview, but we stated looking at scenarios were the alternative might be worse than off-site septic. Chair Spoon said it is important for the board to see the subdivision design with the soils map overlaid with the lot lines, it is

something we are used to having to help get our minds around how the project will work and would also be more comfortable seeing it in the sketch plan.

- Mr. Frazier said he would like to talk about administrative major subdivision, this is just a technical thing, it is not clear in the UDO text what an administrative subdivision is, he looked hard for it and could not find it. The proposal is for 6 to 15 lot subdivisions will not be coming to the Planning Board, but reviewed administratively, Mr. Frazier is not sure how he feels about that and would like other members input, but one thing that does troubles him is that there is no public notice provided. If someone is building a 15-lot subdivision next door, it is important to know about that and to be able to speak about it. Ms. Cousino said that is setting up expectations, if you have a 6 to 15 lot subdivision is approved at staff level, the public does not have any influence over it. Mr. Frazier said maybe it should not be approved at staff level. Ms. Cousino said the commissioners heard this from the County Attorney at their meeting yesterday about how subdivision approval is an administrative process, meaning there is no discretion if the subdivision meets all the requirements, it should be approved. The County Attorney expressed concern with the BOC approving subdivisions because of setting false expectations for the public. The public can feel that their elected officials could have some influence whether or not that subdivision gets built. Mr. Frazier said what this board does very effectively is listen to the adjoining property owners and their concerns and then see if the developer would be willing to make adjustments to address those concerns even if they are not legally required to do it. Mr. Frazier said he would not like to see that disappear.
- Ms. Cousino said this is currently in the regulations for 15 lots or less for conservation subdivisions. Ms. Tyson said that is correct, we currently have a small conservation subdivision that was approved administratively beside Briar Chapel called Fermiage which did not have a community meeting and this proposed regulation is set up the same way.
- Ms. Colbert asked if anyone had looked retroactively to see how many of the existing subdivisions would have been approved administratively if this regulation had been in effect over the past 4 or 5 years just to get an idea of those numbers? Ms. Cousino said we have not, but we can look at information up. Ms. Tyson said we have had 3 subdivisions with 6-15 lots since 2019. Ms. Colbert asked if we could look back a little further. Mr. Glenn said he has counted 7 subdivisions with a lot count of 6-15 since 2016.
- Ms. Colbert said to Ms. Cousino that in section 12.5.1 there is an A. and B. purpose section before the sketch plan and if you go down to section 12.6, there is an A. B. C. and "B" is missing. Is that a typo? Ms. Cousino said yes, this is a typo and we will correct that and better distinguish the difference between those sections as well.

PROPOSED MAJOR CHANGES – MAJOR SUBDIVISION PROCESS

- **Sketch Plan**
 - Community meeting
 - Review by Planning Board
 - Review and action by BOC
- **Preliminary Plat & Construction Plan**
 - Review by TRC
 - Review and action by Subdivision Administrator
- **Final Plat**
 - Review by TRC
 - Review and action by Subdivision Administrator

- Mr. Frazier asked for clarification, the Planning Board will hold the public hearing for subdivisions, but the public hearing on zoning changes and is held after the Planning Board. Ms. Cousino said that is correct. Mr. Frazier said he wished that could be changed because he would like to know what was said at the public hearing. Currently the BOC has the public hearing and then we as a board will know what was said before we review the item. Ms. Cousino said the goal with that was to streamline the process and the staff had expressed to the consultants how there is some confusion within the community as to how the process works currently. Mr. Frazier said it is confusing, but he is also hard-pressed making recommendations without hearing from the public. Ms. Plummer said the public will receive notice before the Planning Board and can attend and speak on the item if they would like. Ms. Plummer said we are also one of the last jurisdictions in the state that has the process like we have it now.

CHAPTER 13: REVIEWING & DECISION-MAKING BODIES

- Specifies UDO-related roles and responsibilities of:
 - Elected & Appointed Bodies
 - Administrative Bodies

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13.1: ELECTED & APPOINTED BODIES

- Planning Board
- Board of Adjustment
- Appearance Commission
- Environmental Review Advisory Committee

13.2: ADMINISTRATIVE BODIES

- County Manager
- Environmental Health Director
- Environmental Quality Director
- Fire Marshal
- Floodplain Administrator
- Management Information Systems Director
- Planning Director
- Stormwater Administrator
- Subdivision Administrator
- Technical Review Committee
- Watershed Protection Director
- Zoning Administrator
- Central Permitting & Inspections Director

CHAPTER 14: NONCONFORMITIES

- Lots
- Site Elements
- Structures
- Uses

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14.2: NONCONFORMING LOTS

- Can be used for any use allowed in the zoning district
- Carries forward allowance for subdivision lots of record to use the Zoning Ordinance setbacks in effect at the time of plat recordation
- Expressly requires lots that were un-zoned at the time of subdivision to use the current UDO setbacks

14.3: SITE ELEMENTS

- Includes exterior lighting, landscaping, buffers, parking areas, loading areas, open space, and signs
- Does not include buildings
- Only requires site elements to come into compliance with the UDO when changes are made to a site (e.g., building additions)
- The point at which site elements must come into compliance is different for each type of site element

COMPLIANCE TRIGGERS

Nonconforming exterior lighting

- When relocated, upgraded, or replaced
- When fixture housing is changed
- ≥ 50% of fixtures in a vehicular canopy upgraded, replaced, or fixture housing is changed

Nonconforming landscaping or buffers

- Expansion of a structure's floor area by ≥ 25% in IL or IH or by ≥ 50% in all other districts (cumulative over a 3 -year period)
- If a lot cannot accommodate the require transitional buffers, the Appearance Commission may approve an alternate plan

COMPLIANCE TRIGGERS

Nonconforming parking or loading

- When principal use changes
- When a structural alteration or other addition to a principal structure produces an increase in parking demand

Nonconforming signs

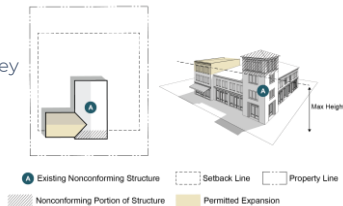
- May be replaced, repaired, or relocated on the property if it does not exceed the size or height of the original sign
- All billboards are nonconforming, but may remain in use and may be repaired, reconstructed, and relocated
- Nonconforming temporary signs must be removed within 90 days of UDO effective date

- Chair Spoon asked if the cloth banner type signs that businesses sometimes place in front of their establishment considered non-conforming temporary signs? Ms. Cousino said they are considered temporary signs and are still allowed, but they have limitation on size, height, and number. Ms. Cousino said each lot can have one temporary sign with no time limitation and the remaining 5 temporary signs have a 90 day or less time limit. Chair Spoon asked what is the purpose of the permanent temporary sign? Ms. Cousino said that is intended to accommodate real estate signs, because a property can take a long time to sell. With content neutrality mandated by the Supreme Court we cannot distinguish signs by their content, so we cannot have a category for real estate signs. Chair Spoon said he would personally like to get more specific with the description of what is allowed and accommodate real estate signs but limit the fabric signs as much as possible because after storms they seem to have blown away and end up in a ditch abandoned and disintegrating. There was some board discussion on limiting sign materials and how that might impact other signs that would be in use as well, such as flags.

- Ms. Colbert asked if there was a way to make the 90-day limitation specific to fabric, meaning the permeate temporary sign cannot be made of fabric? Ms. Cousino said we can look into that and ask the sign expert in the consultancy firm. Chair Spoon asked if the consultants could look into this so they can protect the aesthetics of the county.

14.4: NONCONFORMING STRUCTURES

- Carries forward current standards
- Alterations allowed if they do not result in greater nonconformity



14.4: NONCONFORMING STRUCTURES

Damage/destruction

- A nonconforming structure damaged by $\leq 60\%$ of its taxed value may be reconstructed if:
 - The nonconformity is not increased/extended
 - Zoning compliance permit & building permit are received within 2 years of damage event

Change of use

- No limitations—a conforming use may be established in a nonconforming structure

14.5: NONCONFORMING USES (NCU)

Generally

- May continue, but can be changed only to a conforming use
- If an NCU is discontinued for a consecutive period of 365 days, it cannot be reestablished

Limited uses

- May continue, but must apply for Zoning Compliance Permit in order to be relocated, expanded, enlarged, or increased in intensity

Extension

- An NCU may be extended on the same lot to additional buildings or land

CHAPTER 15: ENFORCEMENT

- Violations
- Enforcement Procedures
- Remedies & Penalties

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- Chair Spoon asked if non-conforming uses are transferable to new owners of the property. Ms. Cousino said yes, the non-conforming use is attached to the property, not the property owner.
- Mr. Mayer asked how big of a problem is non-conforming structures in Chatham County? Ms. Cousino said it is hard gauge and one of the things they try to look at when drafting regulations is how different is this from the current regulations and are we potentially creating a lot of non-conforming structures with these changes. We keep that in the back of our minds, but we also do not want that to limit what we are trying to accomplish as we implement the Comprehensive Plan into the UDO.
- Chair Spoon asked if we want to have a rehab code for historical buildings, is this the chapter we would want those regulations to be located? Ms. Cousino said she is not sure about the rehab code, but we can definitely have different standards here in this chapter for historical buildings. We would just need to define what a historical building is and then create the standards for them. Chair Spoon said we would like to look at that because Chatham County has a lot of history and we would not want them to have to come up to modern codes. Ms. Cousino said we would probably go with 50 years and older for structures. Chair Spoon said we might want to be more stringent on that because there are some 50-year-old buildings that are dilapidated and not historic, it might be better to go for more like 70- to 80-year-old structures would be more significant. Ms. Robertson asked if we would want to include that they be recognized by the state historic preservation, because there can be some buildings that are 7 years old that are in bad shape. Chair Spoon said maybe they put in an application with the Historical Society and if there is a recommendation from them, then goes on the historical list. There was some board discussion and it was

agreed that if a structure were already on the state or federal historical registry it would not need to apply and would be considered non-conforming structure.

- Ms. Colbert asked are we talking in terms of designating specific geographical areas, or contiguous properties, or are we staying with non-conforming use on a by lot basis. Chair Spoon said he was thinking mostly as a by lot basis, Bynum is really our only one special area in Chatham because that community as a whole wants to be considered historical. Ms. Cousino said she will make note of it and should it be countywide? Chair Spoon said yes, it should be available county wide.

Chapter 15: Enforcement

VIOLATIONS

- Identifies 17 types of violations, for example:
 - Development or use without permit or approval
 - Development or use inconsistent with conditions of approval
 - Removal of vegetation in buffers
 - Conveyance of land without approved plat
 - Violation of County-enforced state law

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Chapter 15: Enforcement

ENFORCEMENT PROCEDURES

- Identifies the staff positions responsible for UDO enforcement
 - 4.3: *Fire Protection* – Fire Marshal
 - 7.3.4: *Utilities* and 7.3.6: *Water Supply* – Director of Public Utilities
 - Chapter 8: *Watershed Protection* – Watershed Administrator
 - Chapter 9: *Stormwater Management* – Stormwater Administrator
 - Chapter 10: *Soil Erosion & Sedimentation Control* – the County
 - Chapter 11: *Flood Damage Prevention* – Floodplain Administrator
 - Everything else – Zoning Administrator/Subdivision Administrator
- Carries forward procedure for providing notice of a UDO violation

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Chapter 15: Enforcement

REMEDIES & PENALTIES

- Issuance of a stop work order
- Withholding acceptance of applications
- Withholding of a development approval
- Revocation of a development approval
- Civil citations
- Injunctions and orders of abatement

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- Chair Spoon said he had an overarching comment for this section and wanted to know if we could implement a sliding scale on the size of the project for penalties because \$500 per day for a small company could put them out of business, where major companies with huge projects do not care about a \$500 a day penalty. To some degree we need to make the punishments enough to get their attention, but not put them out of business. Ms. Plummer said we are governed by the state statute as to how much we can charge for penalties. It is currently \$50 a day for zoning violations and if they repeat within a 6-year period, then it doubles. Then it just keeps going up each time they have a violation and it does add up quickly. Chair Spoon said if we do not have discretion then we cannot do anything, but if we do have discretion try and make the penalty match the size of the project.

- Mr. Andrews asked if we would have the staff to enforce all of this. Ms. Plummer said right now we are a complaint driven responses, but maybe in a few years we can hire more code enforcement officers.

CHAPTER 16:
RULES OF
INTERPRETATION &
MEASUREMENT

- How to interpret UDO text and graphics
- How to interpret zoning map
- How to measure or calculate quantitative standards

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Chapter 16: Rules of Interpretation & Measurement

RULES OF INTERPRETATION

- Definitions of word use, for example:
 - Words used in the present tense include the future tense
 - The words "shall" and "must" are mandatory
 - The term "structure" includes the term "building"
- Where text and graphic are inconsistent, text controls
- Describes how to interpret zoning district boundaries when they are unclear on the zoning map

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Chapter 16: Rules of Interpretation & Measurement

16.2: CONFLICTING PROVISIONS

- When there are conflicts, generally the more restrictive provision applies
- However, the (new) Neighborhood Center and Activity Center Districts take precedence over conflicting provisions
- Clarifies the County does not enforce private restrictions (e.g., neighborhood covenants)

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Chapter 16: Rules of Interpretation & Measurement

16.4: RULES OF MEASUREMENT

- Density
- Gross floor area
- Height
- Includes exceptions
- Lot area, depth, and width
- Net land area
- Setbacks
- Specifies allowed encroachments
- Visual screening

W Minimum Lot Width, measured at front setback

Street/Shared Private Driveway Setback Line

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Chapter 16: Rules of Interpretation & Measurement

Street/Shared Private Driveway

Water Body

Front Yard Side Yard Rear Yard Setback Line

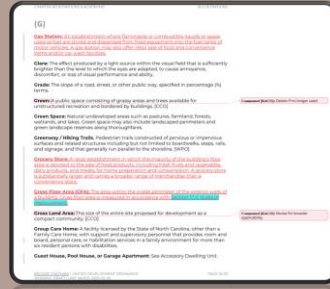
Front Yard Side Yard Rear Yard Setback Line Street/Shared Private Driveway

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- Mr. Andrews asked if Right-of-Ways are included in the rules of measurement for lot area. Ms. Cousino said no, the Right-of-Way is not included in lot area.

CHAPTER 17: DEFINITIONS & ACRONYMS

- Consolidates definitions into a single chapter
- Adds acronyms
- Tracks changes to current definitions
- Updated as part of each module and finalized at end of the drafting process



CHAPTER 18: SUBMITTAL REQUIREMENTS

- Specifies what is required for a complete application
- Cross-references application checklists, which will be maintained outside the UDO
- Chapter 12: *Procedures* includes additional application-specific requirements

CHAPTER 18 SUBMITTAL REQUIREMENTS

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Chapter 18: Submittal Requirements

18.2: HISTORICAL & CULTURAL RESOURCES DOCUMENTATION

- New requirement that implements recommendations from the Chatham County Historical Association
- Applies to:
 - Major subdivisions that don't require an EIA
 - Minor subdivisions
- Baseline Historical & Cultural Resources Survey Map
 - Known cemeteries and burial sites
 - Structures and site features such as old foundations and wells
- Additional details for major subdivisions, including photos

Chapter 18: Submittal Requirements

ENVIRONMENTAL DOCUMENTATION

- Carries forward requirements for submittal of the General Environmental Documentation Form or an Environmental Impact Assessment, as applicable for the development
- Clarifies the role of the EIA in the development review process
 - BOC receives the EIA and all related comments from reviewing bodies as information only
 - EIA may be used only to determine compliance with specific development standards established in the UDO

Chapter 18: Submittal Requirements

18.5: TRAFFIC IMPACT ANALYSES

- Current Zoning Ordinance allows the BOC to request an applicant for a conditional zoning district provide a traffic impact analysis (TIA)
- UDO proposes to *require* TIAs for conditional districts and major subdivisions
- Like EIAs, TIAs are for information only
- NCDOT already requires TIAs for developments projected to generate 3,000+ average daily trips (ADT)

ITE LUC	Land Use	Size	Unit
110	General Light Industrial	415,300	Sq. Feet
210	Single Family Detached	315	Dwelling Units
220	Apartments	475	Dwelling Units
230	Residential Condo/Townhouse	587	Dwelling Units
251	Senior Adult Housing Detached	815	Dwelling Units
310	Hotel	367	Rooms
710	General Office Building	296,700	Sq. Feet
720	Medical-Dental Office Building	78,700	Sq. Feet
820	Sleeping Center	28,500	Sq. Feet
850	Supermarket	29,400	Sq. Feet
945	Gasoline/Service Station with Convenience Market	19	Vehicle Fueling Pts.

Data Source: ITE Trip Generation Manual, 9th Edition.
from NCDOT TIA Checklist Instructions.

Chapter 18: Submittal Requirements

18.5: TRAFFIC IMPACT ANALYSES

- Level 1 or Level 2 Analysis, depending on number of ADT
- **Level 1** – Development info, previous uses and structures, anticipated trips and impacts on transportation network
- **Level 2** – Must follow NCDOT TIA requirements

Type of Analysis	Threshold
Level 1 – Trip Generation Memo	≥ 500 ADT to < 3,000 ADT
Level 2 – Traffic Impact Analysis	≥ 3,000 ADT

Key: ADT = average daily trips

Developments That Generate Approx. 500 ADT*

- 50 detached SF dwelling units
- 64 low-rise MF dwelling units
- 13,200 sf retail
- 51,300 sf general office
- 100,800 sf general light industrial

*based on ITE Trip Generation Manual, 10th Edition

Chapter 18: Submittal Requirements

18.5: TRAFFIC IMPACT ANALYSES

- BOC may require a Level 2 Analysis for developments with < 3,000 ADT if a proposed development:
 - Is likely to have a significant impact on transportation capacity, transportation levels of service, or traffic safety in the vicinity of the proposed development indicated by factors other than ADT;
 - Affects a location with a high vehicle crash history;
 - Takes place at a high congestion location;
 - Creates the fourth leg of an existing signalized intersection; or
 - Exacerbates an already difficult situation, such as at a railroad crossing, fire station access, school access, or where there is poor roadway alignment.

- Chair Spoon asked at what point would the BOC require this traffic study because you can make an argument under one of those bullet points for pretty much every intersection in Chatham County. Ms. Cousino said this complies with conditional zoning districts and major subdivisions, so at the sketch plan process the BOC could require it or a conditional district rezoning that expands the area. Chair Spoon said would the TIA be executed individually for one parcel with a driveway or could it include a study on an intersection or an area with multiple parcels that is owned by the same property owner. Ms. Cousino said that could be okay as long as it is the same owner, the challenge would be if it is owned by different owners. Chair Spoon said it is good we are filling in a gap that is less than what NCDOT requires, we just want to make sure we are not putting that on everything because some projects could not require a TIA.

Chapter 18: Submittal Requirements

18.6: SPECIAL STUDIES

- Carries forward ZO Section 17.9 *Additional Information for Certain Special Use Permits*
- Applies to:
 - The land uses listed to the right
 - Any use that must be established via a conditional zoning district (formerly SUP uses) **and** requires an EIA

- All restricted industrial uses
- Aviation/aerospace equipment, engine, and instrument manufacturing and/or assembly
- Coal or coke yards
- Cosmetics and perfume manufacturing
- Electric light or power generating station
- Flammable liquids - bulk plants and storage
- Garbage and waste incinerators (except hazardous waste)
- Mining
- Natural gas compressor station
- Non-metallic mineral product manufacturing
- Oil and gas exploration, development and production
- Pharmaceutical products manufacturing
- Sanitary landfill, excluding the burning of trash outdoors
- Semiconductor manufacturing

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Chapter 18: Submittal Requirements

18.6: SPECIAL STUDIES

- Applies to all the land uses subject in the current Zoning Ordinance to the requirement for a special study, except:
 - "Heavy manufacturing, processing, or assembly uses not otherwise listed in the use table," which is replaced by the general "heavy industrial uses" use classification and is a permitted use in the IH District
 - "Light manufacturing, processing, or assembly uses not otherwise listed in the use table," which is replaced by the general "light industrial uses" use classification and is a permitted use in the IL and IH Districts
 - "Laboratories for research and testing," which is replaced in the use table by the new use "research and development facility" and is a permitted use in all the districts in which it is allowed

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NEXT STEPS

- **UDO Testing (ongoing)**
 - Up to 10 sites
 - Using hypothetical and actual development scenarios to test UDO standards
- **Final Consolidated UDO** – Anticipated in Late August 2024
- **BOC & PB Review Meetings** – September 2024
- **Adoption Process** – Begins in October 2024

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RECODE CHATHAM | UNIFIED DEVELOPMENT ORDINANCE

www.recodechathamnc.org
recodechathamudo@chathamcountync.gov

- Ms. Cousino concluded the presentation and asked if anyone had further questions.
- Chair Spoon asked the staff if the developers that participate in a lot of projects in Chatham County are giving their feedback on the draft and if they could navigate through these new processes? Ms. Plummer said the drafts are on the Recode Chatham website and there is a place for them to give feedback that Mr. Mullis monitors. Mr. Glenn said he and Mr. Mullis will be attending the Home Builders conference soon and will be speaking to developers firsthand and will be getting a feel for how they are responding to the draft UDO. Ms. Haddix asked if we have heard back from people. Ms. Plummer said we have heard from a few people and it is mostly to help them understand what some of these changes will mean for them specifically. Ms. Cousino said we have received comments from the community members, but also from a lot of the advisory boards as well.
- Chair Spoon said it seems like the Board of Adjustment will have an important role in this process especially in the first 6 months to a year into adopting the UDO. The process says that it will be staff

interpretation of the rules and then if someone disagrees with that, they can appeal it to the Board of Adjustment and that is the final decision. The Planning Board and the Board of Commissioners will have no advisory role on the initial interpretations of the UDO? Ms. Cousino said that is correct, but the county can initiate text amendments to the UDO. Chair Spoon said it would be a good to have quarterly reports as to what these interpretations have been and to make sure they are in line to what we see to bring Plan Chatham to life.

- Vice-Chair Roodkowsky said a few months ago there was an issue with a property using the primary and accessory dwelling unit (ADU) as Airbnb rentals on two neighboring parcels, so a total of 4 units which look the same and the owners are not living on the property. We had discussed adding something to the UDO for this concern, but it is not clear where that has been addressed. The local residents were clearly distraught about all of this because it is on a private road and all of the visitors for the Airbnb are not permanent residents using their private road. We had discussed trying to resolve this kind of problem from happening again in the UDO. Vice-Chair Roodkowsky said there is also a storage unit which is questioned to be used for commercial purposes as well. Is it possible for us to have some kind of standard to alleviate a situation like this.
- Ms. Cousino said the definition of an ADU is limited to 1500 sf or less of heated living space and these definitions are found in Chapter 3 and Chapter 17. It does require a zoning compliance permit and it is only allowed in a few districts. Chair Spoon said it sounds like the required zoning compliance permit may be a way to confirm the use of the ADU and if they say Airbnb, then we can inform them that is not allowed. Ms. Plummer said right now, we do not have a legal way to stop that use or enforcement.
- Ms. Colbert said in terms of what can we classify this use, could it be commercial and therefore not allowed in a residential area. Ms. Cousino said there are provisions in the current code and the UDO for Bed & Breakfast homes and Inns which comes from state statute. We have talked about implementing some regulations in the UDO specifically for short-term rental. If the board has any input on short-term rental restrictions please provide that very soon because we are close to adoption of the UDO.
- Mr. Andrews said regarding the Airbnb situation on the private road, the County Attorney said as a property owner you cannot be alienated from your right to rent your property short-term or long-term. Mr. Andrews said neighborhoods can restrict with their restrictive covenants.
- Mr. Mayer said just to be clear, we cannot regulate short-term rentals. Ms. Plummer said we are looking at some baseline criteria for short-term rentals right now. Ms. Cousino said when drafted it would be located in Chapter 3.
- Chair Spoon asked how was the Board of Commissioners meeting last night when the consultants presented to them? Ms. Cousino said the meeting went pretty well. We had the work session where we provided a UDO Module 2 memorandum which most of the conversation was about trees, and we received a direction from the BOC regarding Module 2. Then the regular agenda we presented Module 3 just like this board received tonight. The BOC did not have a lot of concern regarding Module 3.
- Chair Spoon and the Planning Board thanked Ms. Cousino for the presentation. Chair Spoon reminded the board members if they have any thoughts to forward them to Mr. Mullis and he will make sure the consultants receive them.
- Ms. Colbert asked if we were at a point where we could schedule a meeting in September to discuss the final draft of the UDO. Chair Spoon said he will discuss with Mr. Mullis about a UDO subcommittee meeting first and then we will most likely have a special meeting for the Planning Board. Ms. Cousino said the consultants would be happy to join a virtual meeting or we can be here in person when the time arrives.
- Vice-Chair Roodkowsky said she will look at some criteria for short-term rentals because there must be something at the state level concerning the difference between a short-term residential rental and a hotel.

Ms. Haddix said she has looked at some cases regarding short-term rental and it is not clear how we can restrict what a property owner can do at that level if it is a dwelling. We need to be careful because we do not want the county sued and the property owner wins the lawsuit. Ms. Cousino said short-term rentals here in Pittsboro has helped her personally as she has stayed in Pittsboro for these meetings. Ms. Haddix said that is true, we do not have hotels or affordable housing locally. Ms. Cousino said it is a tough issue and most jurisdictions we are working with are struggling with it and there is a wide spectrum of restrictions, there is a lot of information out there and we can provide that to this board. Ms. Robertson asked if Ms. Cousino would provide that information to the Planning Board. Ms. Cousino said she will provide the information on short-term rentals. Ms. Haddix said she would also like to know how the staff feels about it, because they are the ones that will have to do all the groundwork and enforce the regulations and would like to know what issues staff may see arise if these restrictions are in place.

- Ms. Colbert said regarding enforcement, we cannot have the posture of how we were dealing with enforcement in the past especially in a community that is projected to grow, at some point we are going to have to take a stand. A lot of this will fall on the shoulders of the Board of Commissioners more so than the Planning staff or this Planning Board, because are they going to allocate what is necessary to ensure a consistent enforcement for the county. Because if we do not have enforcement it will not get done and the longer we wait to develop an enforcement plan the harder it is to implement as we have population growth increase. It can be done, but it will need to be a commitment from the Board of Commissioners.

VII. NEW BUSINESS:

VIII. ADJOURNMENT:

Motion made by Vice-Chair Roodkowsky and seconded by Ms. Colbert. There being no further business, the meeting was adjourned at 8:06 p.m.

Signed: _____ / _____
Jon Spoon, Chair Date

Attest: _____ / _____
Dan Garrett, Clerk to the Board Date