



## Chatham County Planning Board Minutes September 24, 2024

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

### Present

Jon Spoon, Chair  
Tony Mayer  
Shelley Colbert  
Amanda Roberson

Eric Andrews  
Clyde Frazier  
Nelson Smith

### Absent

Mary Roodkowsky, Vice-Chair  
Elizabeth Haddix

### Planning Department

Jason Sullivan, Director, Chance Mullis, Assistant Director, Angela Plummer, Zoning Administrator, Kimberly Tyson, Subdivision Administrator, Hunter Glenn, Planner II, and Thanh Schado, Transportation Planner.

### UDO Consultants

Tyson Smith, Kelly Cousino, Sean Scoopmire, and Geoff Green.

### Other Attendees

Jeannie Ambrose, Melisa, and Thomas.

### I. CALL TO ORDER:

Chair Spoon called the special meeting to order at 6:32 p.m. and said this is a session for the Planning Board to have some initial discussions on the UDO draft. The hope is to create a list of questions that can be shared with the members of the consultant team that are not present at this meeting and if we do not receive immediate answers from the consultants who are present tonight. If the Planning Board does not cover everything tonight or a board member has questions or concerns after this meeting, provide them to Chair Spoon and he will include them in the list going forward that will be generated early next week. Chair Spoon said on October 8<sup>th</sup> during our special meeting the Planning Board will be receiving the final presentation and work through our discussion and hopefully have a motion towards recommending adoption, which we can do with a list of issues that deserve more consideration as the commissioners spend next couple of months deliberating on this UDO.

### II. DETERMINATION OF QUORUM:

Chair Spoon stated there was a quorum, 7 members were present.

### III. APPROVAL OF AGENDA:

Approval of the Agenda – No changes to the agenda, and the agenda was approved.

#### IV. UNIFIED DEVELOPMENT ORDINANCE:

1. The Planning Board will be meeting to discuss the proposed UDO and develop questions for the consultant team.
- Chair Spoon asked if there were any comments for Chapter 1. Ms. Colbert said in section 1.9 repeal of previous ordinance, do we have a list of any provisions that are going to be repealed. Mr. Sullivan said it will be all of the land use related regulations that are on the Planning website, there are about 10 or 11 ordinances that will be repealed.
  - Chair Spoon said in Chapter 2 there was a comment that the chapter should start with the zoning map. Ms. Kelly Cousino said she would like to note that section 2.1.4 has a reference to the county GIS because the zoning map may not always stay accurate. Chair Spoon said if there is a link provided that takes you to a continually updated zoning map, that should meet what we need. It is important that this document is as user friendly as possible.
  - Mr. Frazier said it would be handy to not have to go from one section to another and do the math to determine the calculations for the lots per dwelling unit. If there is a way to make it clearer then that could be worthwhile.

Chair Spoon asked if there were any questions on Chapter 3. Mr. Andrews said if we could have the zoning map reintroduced to make this more user friendly with a table and have software enter the intended use or parcel could be searched and the allowable uses are listed. Ms. Cousino said it is not doable in the Word or PDF format that we are using, however, there are some online codification sites or tools that Mr. Mullis has been looking into that will operate in a way you are describing. It all depends on how much the county wants to spend on the software, because there is a wide range of options.

- Chair Spoon asked if there were any questions for Chapter 4. Mr. Frazier said there needed to be the ability to post a bond to have the landscaping completed because you do not want things planted till the ideal time in order for it to work. Also, we should go with smaller plants and trees, because those are expensive trees to buy and maintain. Smaller plants will catch up and recover more quickly. Larger plants are only needed to make immediate impact.
- Ms. Robertson said she agrees with Mr. Frazier on this and it is going to be very challenging, could we include something on irrigation during other months. Seems onerously restrictive to developers to do it during planting season. Ms. Robertson said she disagrees with Mr. Frazier on a 2-inch caliper, if they are kept watered they will have just as much success as a smaller plant and requiring something larger to go in, provided we are looking at pulling things down at the same time and there is good reason to justify that.
- Mr. Andrews said the landscape plan is financially burdensome. To the developers he has spoken to, this is a scary new cost especially when it comes to workforce housing. Mr. Andrews said he was astounded by the price of some of these plants and worries that this is an incredible new cost for the developers. What kind of cost is this ambitious landscaping plan going to create?
- Ms. Colbert said she is in agreement with Mr. Frazier about this, but also in terms of the size of the plants, in her experience moving into a development build from the dirt up, if some of the cost issues Mr. Andrews spoke about can be somewhat mitigated by using smaller plants that will still survive and meet the other goals of the kinds of plants we want to encourage to use, plus the idea that they are planted so they do not die. As an example, the developer planted three different trees in April in her yard and they all died over the summer, it was not due to a lack of watering, it was just extremely hot. Ms. Colbert said she is in full support of Mr. Frazier's suggestions. Chair Spoon said it sounds like the landscaping plan and costs in Chapter 4 seem to require some more discussion on the board side. The consultants did work very closely with our technical review committee and personnel that has more knowledge and experience in this, but we have enough shared concerns that this needs to be added to the list of things that need to be further thought out in the adoption process by the commissioners.
- Mr. Andrews said the 10% or less addition for our buildings is too small to enact an exemption from what he has seen in the rest of the country. 25% to 50% seems to be more in line with the rest of the country. Chair Spoon expressed he agrees that it is a low threshold. Mr. Smith also agrees that 10% is too small. Mr. Smith said about trees, it depends upon the root systems because some trees have shallow root systems and others have deep root systems that can hold on and not tip over. People are looking at the uptake as far as runoff, some of these species will not withstand the uptake of runoff we are experiencing around the county. Chair Spoon suggested changing the 10% to 25% and have a minimum square footage, if it is a large space.

- Ms. Colbert said it would be helpful as we go through the chapters if whoever is introducing the topic to specify the reference. Chair Spoon said if you have specific citations of what you are commenting on, please refer to them in the discussion. Ms. Colbert asked what section is the 10% being referenced. Mr. Cousino said it is in section 4.2.3.c., under the applicability for the building design requirements.
- Ms. Colbert said she had mentioned the issue of signage on school grounds and how these regulations were going to apply to signage in section 4.7. Ms. Colbert said she is not seeing any changes and would like to talk about the inconsistency with the idea that right now we are allowing signage in certain areas but are forbidden everywhere else in the county. The only thing in section 4.7 that she saw concerned maintenance, but not size, placement, and it certainly is not content neutral. Ms. Colbert said if we are exempting the county itself from all the other standards that are imposed elsewhere and that allows individuals to put up signage on county owned property that is not content neutral, how is that going to be addressed? Mr. Sean Scoopmire said one of the comments was a concern with the school property, we removed the definition from the definition of governmental sign. The school district is not included there. This would only be federal, state, and county government property. The sign code would apply to the school district. Mr. Scoopmire said to look in section 17.2, definitions, that will have the definition of governmental signs. Ms. Colbert said she did look there, but it references 4.7 and is concerned about the clarity. Mr. Scoopmire said okay, that is noted.
- Mr. Andrews said he still has an issue with the parking lot landscaping in section 4.6.5, it is aesthetically pleasing to have a parking lot hidden and buffered by vegetation, but people are concerned about this, it is a safety issue, people do bad things and they hide in bushes. Also, the lighting is a concern as well, same security issue as mentioned, there have been a lot of people speaking about this. If there is another way we can hide the ugliness of a parking lot, but still maintain the safety, that would be a good thing to do. Ms. Robertson said plants do a lot to cool things down on a parking lot or any kind of paved surface, it is not just an aesthetic purpose, but also a cooling purpose. Chair Spoon said a lot of these issues are balancing acts and has had to step back while evaluating and see if these set of rules is a good manifestation of the Comprehensive Plan that we put together which is at this point the best expression of Chatham County currently wants from this process. Ms. Colbert said it does need to be a bit of a balancing act and agrees with Ms. Robertson about the climate reasons, for aesthetic reasons, for any number of good reasons to make sure that we are not looking at a bunch of asphalt. However, to Mr. Andrews point, when we hear things like a lot of people, without it being quantified and assertions concerning security, unless it can be backed up with some facts, she is not inclined to accept them at face value. A lot of people have opinions, and they may be valid opinions, but we need to have fact-based decisions in terms of how we describe the problems and how we describe the solutions. Mr. Smith said the height of vegetation is very important. When you are on properties where people can hide behind vegetation, bad things do happen. Mr. Smith said he can give factual incidents that have taken place because of the height of vegetation.
- Chair Spoon asked if there were any questions for Chapter 5, Subdivision Standards.
- Mr. Frazier said the sliding scale density provisions are unenforceable and tried to circulate an alternative plan. Chair Spoon said let us hear from the consultants about the legality and the functioning because an explanation might make things clearer. Mr. Scoopmire said the larger parcel that is subdividing, there is a marginal increase in the lot size that needs to be preserved. In terms of applicability, lots larger than 10 acres are exempt, however, when Rights-of-Way is dedicated. This will work for all tier 2 subdivisions because they require public streets regardless of the lot size. Tier 1 subdivisions could be private streets, and there are some Tier 1 subdivisions this might not work on. Tier 1 is 6 to 15 lots, and Tier 2 is 16 or more lots. The larger subdivisions this would apply. The question about applicability might be a good question for the County Attorney. If you like this approach, you could expand the provision to dedicate public streets to smaller subdivisions because it would bring in more subdivisions for this sliding scale model. This was included because it was proposed in Plan Chatham. Many, but not most jurisdictions have applied this model nationwide. There are a lot of different ways to preserve agricultural land. Chair Spoon said he would like to know how it is working in other jurisdictions and if it is working successfully. Mr. Scoopmire said yes, we did look at some examples, but do not have them on hand right now, but will provide them for review. Ms. Cousino said this model was suggested in Plan Chatham, which was the primary reason it was included, and we are proposing this for area with a much larger lot area than R1. There may be more appropriate approaches for Chatham in the larger lot districts. Chair Spoon said this is navel for Chatham even though a lot of jurisdictions have taken it on, examples where it has worked would be helpful and this definitely one of the things that needs to be considered more thoroughly by the commissioners through their adoption process.

- Mr. Frazier said he wanted to make sure he understands or what the possibilities now are, a Teir 1 subdivision can have up to 15 lots, we are talking about a 150-acre subdivision, that is pretty big. If you do not want to abide by the sliding scale density, all they have to do is do it 15 lots at a time. Chair Spoon said it is big, but it is not dense and few developers are going to pick that business model to make 150-acre subdivision with only 15 units on it. Mr. Frazier said as he understands it under the ordinance it would be 14.5 acre lots. That would be the minimum size because they have to have 45% tree save or natural area. Ms. Colbert said Mr. Frazier did bring up some good points and had been looking at what he had brought forth. If this is something we are going to move forward with an opinion from the County Attorney would be beneficial.
- Mr. Smith said he had lived in one of those types of subdivisions, a 160-acre farm with 16 lots, everyone had 10 acres. This helps us minimize the impact on the aquifer, it helps with environmental impacts, and septic systems. So, having 5 to 10 acre lots would work better in most situations.
- Ms. Robertson said under section 5.4.2.A., the Comprehensive Plan had areas of conservation specified in the county, will those areas by default be considered conservation subdivisions and would that change the way we word this section? Ms. Cousino said conservation subdivisions are required in R5, which is generally the conservation residential district that follows the rivers. If it is 10 or fewer lots it can be conventional or conservation subdivision. But if it is more than 10 lots it has to be a conservation subdivision. Ms. Robertson asked what about areas in the county according to the Comprehensive Plan that are specified on the map as conservation areas? Ms. Cousino said some of it is zoned R5 and this was brought to the BOC and ultimately the BOC decided to apply this to larger subdivisions in R5 rather than all areas shown as conservation on the Future Land Use map.
- Mr. Frazier said he wanted to go back to the sliding scale density topic, the fundamental problem he sees with it, whether it is legal or not, requiring large lot size reduces the amount of agriculture land that you can save, because you divide an awful lot of the area up into large lots. On a 100-acre parcel, under the sliding scale density, 45% must be preserved as open space. The open space cannot be included in any of the lots, which means only 55 acres could be subdivided, which means 5.5 lots and a density of one dwelling per 18 acres. Land owners are going to be powerfully motivated to get around that. That is a mighty low-density allowance. Chair Spoon said we need to put some more thought into this sliding scale density part of this. Some focus on this at the next presentation so we can wrap our minds around whether or not we can get behind this as a concept.
- Mr. Sullivan said some of the items we have been discussing and questions about the way the language has been written, it is also coming from other advisory boards that have provided significant input in this process. As we move through the review we may have other advisory boards that what to weigh in on some of the discussion items.
- Chair Spoon asked if there were any questions for Chapter 6.
- Ms. Colbert said in section 6.4.3.C., which concerns long term preservation and maintenance, “be maintained so that its use and enjoyment as conservation or open space is not diminished or destroyed.” What would the enforcement mechanisms be for that and where would we find that in later chapters? Ms. Cousino said that is primarily covered in the following section 6.4.4, permanent protection required. It requires some sort of legal instrument like deed restriction, or covenant, something along those lines to ensure that it is maintained for its purpose set forth a maintenance and management plan for the space. This would be considered a violation of the UDO if it is not maintained as it was intended when it was approved. Mr. Scoopmire said you have different ways to preserve this open space and each one is a little bit different in the way that it would be enforced, and who would have the right to enforce. The UDO provides in 6.4.3.C.1., the common ownership or HOA would have full responsibility. But they might be irresponsible and if this is the framework someone has chosen then it would be subject to enforcement by the county. There is also a third-party organization for inspections and enforcement, but they are not always better staffed than the county, but they would at least have a legally enforceable right to require the conservation purpose as the beneficiary of the easement. If there was a deed restriction it would be enforceable by the county. Basically, all of these would empower the person charged with enforcing the open space requirement to enforce it, but it does not give them the staff, time, the money, or the interest to do that.
- Ms. Colbert said the reason she is asking about this enforcement is because this issue of open space spills over across different chapters in different ways. The chief concern is to make the distinction between what would be able to be administratively enforced as part of the UDO and whether any of these mechanisms such as deeds of trusts or the other mentioned, would they perhaps have to be judicially enforced, because there has been past

discussions especially in homeowners associations where there is no explicit guidelines to delineate whether or not it is county's responsibility or whether people are going to sue to enforce provisions of a deed. Ms. Colbert said what she thinks she is hearing from the consultants is to provide the county with administrative tools, it would be good to see the language strengthened to show that was in fact the intent of the UDO to allow the county to administratively enforce and link it in some way to whatever provisions in Chapter 18 or one of the later chapters as to how that would be done and who would do it.

- Mr. Frazier said regarding trails, having a 30-foot setback from a stream is excessive. When people walk, they want to walk near the stream, not 30 feet away from them. Mr. Frazier said he does not know of a single trail that is near a water feature in this area that will meet that standard. Having a trail 30 feet away from the stream would require a lot of grading to level it out and make it work. Mr. Frazier said he hopes the 30-foot requirement goes away. Chair Spoon said he believe the trails that they are speaking of in this section are trails we currently do not have, but hoping to be in the future, which would be multimodal trails that could handle handicapped accessibility and walkers, and things like that. The kind of footpath trails that go right next to the creeks and streams that Mr. Fraizer is referring to, those are going to happen no matter what. There is a footpath next to every river in and sizeable stream in the county. Just because people have gone out there next to the stream and walked it and created a path, we are not seeking to really regulate that. These regulations are more towards the larger developments that are going to make a significant investment in building a trail or a greenway that is going to be used for one of handicapped accessible purposes and things like that. Mr. Frazier said this refers to regulations are for trails in riparian areas and natural areas. The development on the corner of Jack Bennett and Hwy 15/501, they are preserving a beautiful section of the stream, and they have committed to build trails there, but they will not be able to build reasonable trails under these regulations. Ms. Cousino said the trails at least 30-feet away from a water feature that is a DEQ recommendation for trails located in riparian buffers. The county Watershed Protection department staff initially had concerns about trails in riparian buffers at all, but with DEQ's recommendation they felt more comfortable about it. Chair Spoon said this was discussed during the UDO subcommittee and a member from the environmental committee had some concern about it as well. This sounds like a topic that needs a little more thought and consideration as we move to adoption.
- Mr. Andrews said the additional areas counted as open space, it is clear that riparian buffers are required by Chapter 10, no issues with those at all, but 10% is a harsh requirement. As a member of the American Planning Department this has been researched and the normal range is 50% to 100% which is a huge difference between 10%. The developable area of a particular parcel is greatly diminished if we are only going to give this percentage for open space. Especially when we see how some streams divide and the wetlands that are created, It can make a large portion of a parcel non developable and causes more scroll. Chair Spoon said we made some changes to the conservation subdivision rules and this was discussed, not sure if 10% is the magic number, but it is one of the tools to preserve the rural character which is one of the major goals spelled out and work towards that.
- Mr. Smith said the areas do need to be a little bit larger simply because bicycles are vehicles and nowadays we have electric scooters and bikes on trails and that is a hazard for pedestrian traffic. It would need to be a little bit wider to accommodate those types of recreational devices.
- Mr. Frazier said a perimeter buffer, stream buffer, wetland buffer, that needs to be retained in a natural state should count as natural area. There is a real problem with equality and not counting stream buffers seems strange because they are such a high priority for preservation. We are willing to give incentives for tree save areas by the buffers, but we do not count them as natural space. It just does not make sense.
- Mr. Andrews said tree preservation is something that is another good intention with unintended consequences. Especially if we are looking at affordable housing or workforce housing. The tree protection clause in Chapter 6 is that something is prohibited from development for five years. Mr. Andrews said he knows people that have abused this system and would like to eliminate the developer from being able to harvest the trees and have this ugly subdivision where the trees are not being preserved. There are situations in an estate situation where a parent harvest the land and then it is inherited by their offspring and now they cannot sell this land for a type of subdivision. Five years is a long time and worry about land that has been clear cut is ugly land and it has a great diminishing value which could give us an opportunity for affordable housing because it is affordable land. Mr. Scoopmire asked to go to section 6.3.2.C., Limitations, that is what we are discussing, and it is state preemption rules. There is a 3-year bar and the 5-year bar are different levels of complicity. The concept here is kind of two-fold and the simplest one. Generally, if you have property that is fully tempered and harvest all of that timber, then you would have to comply with certain forestry and county rules, the three-year prohibition. That is for a person

that follows the rules like they are supposed to. The 5-year bar is intended for a willful violation of county regulations, so this would be the sort of thing where the owner did not comply with things like storm water regulations. This is a rule that the state legislature has put in place to prevent counties from regulating forestry activities. Basically, it is okay to cut the timber, but this is the penalty that the state legislature has allowed county to exact. Mr. Scoopmire said it sounded like Mr. Andrews wanted to allow the timbering of land to offset the affordability issues with its development is that is what you are saying? Mr. Andrews said no, just the shifting of landowners so the developer can get away with harvesting the timber. Mr. Andrews said he understands the rules for the 3-year exemption, but that involves replanting and seeding and that seems like a lot, because the people that are doing that are intending to hold onto the property for another 20 to 40 years. So, if there is not an intention to holding onto the property for a long time, it is not going to be as carefully managed as it should be. We all have driven past property that has been clearcut and it is not pretty. We do not want to incentivize to timber the property, but there are opportunities there because that property is not worth as much. There might be some extenuating circumstances where it gets timbered and now the clock is running and we have to wait.

- Mr. Robertson said she wanted to weigh in on trails in natural areas, it is inappropriate to have trails in natural areas, they should belong in parks. Natural areas do not exist as natural areas when there is a trail and bike paths going through them. Ms. Robertson said rather than widening the trails she would rather see them eliminated as an option. When we build trails we are encouraging a lot of people to these areas and it defeats the purpose of creating those spaces and preserving those spaces. Ms. Robertson said in section 6.5.1.A.4., on page 275, this idea of giving an incentive for wildlife corridors, that should be a natural thing that we plan for. If there is a development that is located in an area where a wildlife corridor exists, that is an expected thing, why would we not include a requirement there, we should not have an initiative in that case.
- Ms. Colbert said in term of what Mr. Frazier said about inclusion in open space of certain protected areas, she partially agrees with Mr. Frazier and partially disagrees with him. It might not be a bad idea to consider inclusion of some of the riparian buffers and some of the other things in terms of the allocation to the open space. Ms. Colbert said she is less convinced by his argument as far as the perimeter buffers, however, because it serves a different purpose. As far as the business with the timbering, if we already have a legislative solution and one that has already gone through an open process in the state legislature, it is something that we should adopt because really it targets the scope law, especially on the five year and that is appropriate.
- Mr. Frazier said he is all in favor of keeping bikes out of natural areas and not allowing riparian buffers to be counted toward the open space requirement, incentivizes including them in lots and he is not sure that is a good idea.
- Mr. Smith said the VinFast site being clear cut has created an eyesore, we do not know when the development will be completed, but right now it is an eyesore. Back to the trails, if the riparian buffer is pushed back a little it does allow for space along the stream. We do not want it opened all the way, but we do want people to be able to get a peek at the waterway.
- Ms. Robertson said on the bottom of page 279 about natural space, it says, “national space from the Chatham County Conservation Subdivision guidelines for conservation space selection to require an ecological evaluation prepared by the developer.” That might bring in some bias, if the Natural Heritage Program is not interested in doing that is there a way we can avoid the developer from doing that themselves. Do we have any other options for that?
- Mr. Frazier said he went through and counted and there were five or six different reports required, an ecological evaluation report, an open space plan, a tree survey requirement, a landscape plan required, a tree protection plan is required, and the deeds must include budgets for maintenance requirements for a maintenance plan. Has anybody counted the number of new requirements we have and what the staff implications of that are? Is staff confident that they can review all these reports, and are they going to need extra staff to do it? Mr. Sullivan said yes, we have been counting the number of additional requirements and we are aware of the implications and cost. This has come about with discussions with multiple advisory boards and this is where the consultants have been directed based on all the conversations that they have had. The volume of work and the volume of applications that we will see for major subdivisions and rezonings may become much less than what we have seen in the past because of the down zoning that will need to occur to implement the new zoning districts in areas of the county that the Commissioners have said they want design districts, these new zoning districts to match the future land use plan. From a staffing standpoint, we will be in good shape to handle these. There is going to be a learning curve though. Staff has discussed this internally; it will be a couple of years before we know truly what

the implications are going to be. Are we going to have more minor subdivisions or actually far less than we have had? Are we going to have more major subdivisions or probably far less? We may have more exempt over 10 subdivisions than we have ever had. So that will play out in the coming years based on the roll out of the new zoning districts in the county.

- Chair Spoon asked if there were any questions for Chapter 7.
- Mr. Andrews said connectivity is one of the most important sections in the UDO, landlocked land is a horrible situation and for this to be a requirement will pay dividends to adjoining landowners within Chatham County. Mr. Andrews said he is so happy to see that inclusion. It has always been a passion of his to make sure that we do that and it is great that it is now included.
- Mr. Andrews said in chapter 7, section B.1.A.4. private driveways, the distance between the driveways, is that something that is already checked by NCDOT? Should that be in our ordinance? There are things such as hills and turns and blind spots and the topography of the land coming onto the road, line of sight and everything should be a consideration if it is deemed worthy of NCDOT and allowable to have a driveway. I think this requirement might unintentionally cause some sprawl. Mr. Sullivan said we may have some additional changes to this particular section that Mr. Andrews has brought up based on some recent conversations staff has had with NCDOT, it actually may get wider. The distance requirement between easements and driveways may actually be increasing. We are monitoring that right now.
- Mr. Andrews said if soil scientists are now licensed by the state to allow and issue permits. Why is it necessary for Chatham County environmental health to review them? The only reason why it is a concern is sometimes that department can review them quickly, and sometimes there is a backlog and if it has been recently legislated that a soil scientist licensed by the state of North Carolina can sign off on it, why do we need to have it signed off on again? Is section C.2. in conflict with what we already have or is it an unnecessary redundancy. Mr. Scoopmire said the requirement for sign off from the County Health Department is a part of the current subdivision regulations 8.1. D. The question of whether this conflicts with the changes in the regulatory framework for approval of septic is probably a question that is best for the County Attorney. Mr. Scoopmire said he would also be interested to hear from staff how this works for the Health department, because this is not a requirement to get a permit from the Health department. This is just a requirement that the health department to review the plat and ensure that a soil scientist has signed off on it. Does anybody on staff know what exactly the Health department does at this stage of plat approval? Mr. Sullivan said for major subdivisions it is pretty quick, they just look at it and make sure that there is adequate information that a soil scientist looked at it. It is just a formality. They send an e-mail to Ms. Tyson saying it looks fine. For engineered option permit (EOP), which is a different thing, and is now allowable under state law that overrides local government review. The soil scientist just sends the EOP to Environmental Health and they just put it in the file. It will be interesting long term to see how those play out. There is a particular site where Environmental Health had denied a permit, where they could not find suitable soils, but the EOP action that was issued runs the septic system right through the foundation of an old house. It will be interesting to see how some of those play out over time.
- Chair Spoon asked if there were any questions for Chapter 8.
- Mr. Frazier said in section, 8.6.3.B.9, it says that wastewater treatment and disposal components can be released in a riparian buffer, if allowed by state and federal law. Do you know anything about that? Mr. Sullivan said that particular provision, our riparian buffer rules are significantly more stringent than the state requirements and actually, if we were to try to implement those rules now, we would not be able to because of the way the legislature has restructured what local governments are allowed. An accommodation for that, is the because the environmental health rules are in conflict with our riparian buffer rules, the environmental health rules are state mandated and where our legal protections come from, the state of North Carolina, we have to have an outlet where we can have an override that does allow if needed, for a septic system to be permitted within a county riparian buffer rule. So that is the issue, we have this conflict that we cannot control at the state level, but we want to maintain what we have from our riparian buffer rules. Mr. Frazier asked how often does that happen? Mr. Sullivan said rarely, because whenever somebody is going through the subdivision process, the way our regulations are set up and Environmental Health works with Planning on this, the riparian buffer review has to be completed first. That is intentional, because we define where the riparian buffers are so that they define the water

features we established buffer rules. Environmental Health staff does avoid those areas. So then when the subdivision is moving forward, it is an automatic avoidance of impacts to those areas. Mr. Frazier said the reason he was concerned about whether the way we treat riparian buffers as open space, not very generously. That is going to push people to put riparian buffers in lots. Does that mean more sewage systems in riparian buffers or not? Mr. Sullivan said no, to give you an example of where this has come up recently, we have a development that is relatively new. The way things work, the soil scientist identified suitable soils for a particular lot in the major subdivision. It went through the process, the soil scientist, the private soil scientist signed off on the final plat when it came time to build the house, the developer obtained the permit from Environmental Health for the construction of the system. Environmental Health evaluated the site. The septic system was installed. Everything was good. There was an issue however, later on with the way the grading occurred with runoff from the ditch next to the road, it ended up destroying their primary septic area. Their repair area also failed. They have now ended up basically building their own private wastewater treatment plant for their single-family home on their lot, and the only place for the discharge was in is within the buffer. So that is why we have the safety valve built into the system, is for this kind of extreme example, which rarely ever happens, but it can occur. That is why we have that in the regulations.

- Mr. Smith asked if this would primarily be the discharge of gray water? Mr. Sullivan said in this particular situation, they literally had to build a wastewater treatment plant for their own home. To the water that is coming out, it is highly treated and the discharge is going into the riparian buffer.
- Chair Spoon asked if there were any questions for Chapter 9.
- Chair Spoon asked if there were any questions for Chapter 10.
- Chair Spoon asked if there were any questions for Chapter 11.
- Chair Spoon asked if there were any questions for Chapter 12.
- Mr. Andrews said regarding procedures in section 12.1.1.A. and B. This is absolutely fantastic, but is this a service we are providing? Is there a timeline? There is a difference between allow versus mandate. It could be more clearly defined what the county officials are going to do to cooperate, but this is really good. Mr. Sullivan said this is the purpose section so it is vague. It is generally saying we have done our best in the UDO to try to streamline things as much as possible. It is aspirational, that being said, there are some pretty significant changes, such as the rezoning process where we have eliminated the joint public hearing with the Planning Board and Board of Commissioners because it starts with the planning board. That is a significant change that actually is fairly consistent with the way most local governments operate in North Carolina. There are things like that that have changed to try to really streamline how these processes move, however, there is not a lot we can do to modify that. Mr. Andrews said our Planning department is so much better than all the other ones that he has to deal with throughout the state, but there are times when an application is submitted and you are just told that it is incomplete. This is an incredibly complex process right now and the majority of the people that are going to be going through this process are going to know what they are doing, but cooperation and guidance from our Planning department letting the people know what they need to do and what their shortcomings are, would be hugely important.
- Mr. Sullivan said there is another document that will be developed that actually is not regulatory, but it is basically the steps that we as staff will be following to provide clear guidance, like if somebody submits a rezoning. It is going to be very clear because we want that as well on the staff side so that we can tell the applicants here is the process we are following, and it is documented. That document will not be an adopted document, and that gives staff flexibility to modify it if we see that there are issues that just are not working well. Ms. Cousino said in section 12.1.6., there is a requirement that staff provide a response and let an applicant know their application is incomplete within 15 days of the filing date and they have to tell them how it is incomplete. The administrative manual will have the application checklist and the specific information that is required to be part of the application so that they will work in conjunction with this chapter.



- Ms. Colbert said in section 12.4.5., on the notice requirements, are these notice standards provided to us by the legislature or these county develop standards? Ms. Cousino said some are provided in the statute, but not sure if comprehensive plan amendments are or if we just used the same requirement for a rezoning. So, if it was not a separate requirement in the statute, then that is what we did. Mr. Sullivan said for the comprehensive plan, we wanted to be consistent with how we handle rezonings for notification. Ms. Colbert asked for the rezonings, are those state mandated standards? Mr. Sullivan said yes, not less than 10 day or more than 25 days when we have to mail the letters and when we have to post the property. Ms. Colbert asked is the notice to adjacent properties or the 400-foot requirement, is that also state mandated. Mr. Sullivans said it is, the legislature spent some time clarifying that over the years, like how do you deal with the Right-of-Way and what does it mean. It used to be 100 feet from the property line and there would be situations where a wide Right-of-Way like Hwy 15/501 people were not receiving notices. The legislature had to correct that several years ago. Ms. Colbert said what bother her about the notices in general is whether or not the county can and should do a little bit more beyond what the state mandates. Does the state prohibit us for from providing a greater wide notice? Should we be considering avenues beyond posting in publication, especially where publication is required to be in periodicals, is there something else that we can do to get the word out a little bit better on some of these issues? We cannot argue with the state requirements, but some of this is kind of obsolete in terms of really being able to provide notice to the greater community.
- Mr. Sullivan said we can have greater standards than the minimum state requirements and yes, you are correct that the minimum requirements are antiquated. A lot of local governments have tried for years to stop having the published notification in the local newspaper. The newspaper lobby is very strong in North Carolina. We are mandated to run that ad and we do it religiously in the Chatham News. Some people are reading those notifications, but we can be broader than the minimum state requirements. Ms. Colbert said this is an area where we could do better just from the public input perspective, or at least the public notice perspective. Ms. Colbert said she has experienced this herself and the minimum requirements are what they are and does not fault staff for that but so much of what this really gets down to, especially on the rezonings, is that people are not going to see it period. For instance, a parcel is posted in whatever the location is and the view of the signage is blocked and they are usually small signs. The people feel that the notice is not adequate, so could we find a way to strengthen that by using some kind of non-traditional publications so that at least the county can say we have made an effort. Then the notice goes a little bit beyond just the minimum requirements that really kind of rely on antiquated standards. Mr. Sullivan said sure, and staff understands that too because we hear that for our public hearing signs quite a bit. So, some of the things that we do If it is a small piece of property with little road frontage, we do just one sign. If it is properties that have more road frontage staff might post 5, 6, 7, signs. The other issue that staff is dealing with right now is we have about 2,500 signs that we will need to reuse for the mass rezoning in 2025. Once that is done, staff hopes to then dispose of those and then we will be reevaluating like new public hearing signs. We used to have really large signs, they were metal, they were horrible to try to install and that is when we switched to the small yard signs we used with the 2016 rezoning. We want to get rid of those and then once we are done with those in 2025, reevaluate our signage and then in any other options that might be available to try to get the word out to the public for sure. Mr. Mullis said you will see in other jurisdictions too that most of them do use the same yard signs. Chair Spoon said it is a valid concern that has played out in our public meetings recently.
- Chair Spoon asked if there were any questions for Chapter 13.
- Ms. Colbert said there was actually an embedded link to the Planning Board Rules of Procedure, the question for the consultants is the inclusion of that link is not incorporating those Rules of Procedure into the UDO and it is simply a reference. Ms. Cousino said the intent was not to incorporate it into the UDO and it is not a regulatory requirement, we can clarify that. Chair Spoon said that is the way to handle it, that way we can change our rules when we need to and update the link and keep everything in line. Ms. Colbert said the language used for the Board of Adjustment in section 13.1.2.C., would be a good reference for the language to use for the Planning Board Rules and Procedures.
- Chair Spoon asked if there were any questions for Chapter 14.

- Chair Spoon asked if there were any questions for Chapter 15.
- Chair Spoon asked if there were any questions for Chapter 16.
- Chair Spoon asked if anybody has questions or comments about our definitions and acronyms that we are using in Chapter 17.
- Ms. Colbert said in a couple of places not only in terms of the definitions, but elsewhere in the document where some corrections need to be made. At what point are we going to get cut off from technical corrections? How much longer are we going to have to provide some of that feedback, because it is not just in terms of the definitions and acronyms, although it is really important to get those right. Throughout the document there are some proofreading errors that need to be cleaned up. Chair Spoon said it does not have to happen this week, but certainly the quicker we can make it happen, the better. If we can have all of that cleaned up by October 8th that we would be deliberating and making recommendation that would be excellent. If not, then they can be included on our list of things for consideration by the Board of Commissioners. If we could work on it in the next couple weeks, that would be great. Ms. Cousino said if you want to put those into the interactive comments on Konveio, we will pick those up and make sure that those are made without having to include it as part of your recommendation. Chair Spoon said that is great, let us take care of it that way.
- Mr. Frazier asked what is the process going forward, what changes are going to happen to the document we look at on October 8<sup>th</sup>, will there be further changes before the commissioners review it. There are conflicts and inconsistencies with one section to another, are those going to be fixed and when? Chair Spoon asked if we could cover Chapter 18 first and then we can go over those questions.
- Chair Spoon asked if there were any questions for Chapter 18.
- Ms. Colbert said in section 18.5.5., Role of TIA in Development Review Process, A., “the Board of Commissioners receives the TIA as information only. The information presented may be used to determine compliance with specific development standards established in this UDO.” Ms. Colbert asked if anyone could tell her exactly where that is directed to in terms of cross references? Ms. Cousino said there is not a specific one. It is just clarifying really that the Board of Commissioners is not, for example, requiring mitigation for traffic impacts that they are just using it as part of their deliberation. Ms. Colbert said it is a standalone statement, it is really not clear to what the intent is there.
- Chair Spoon said we can close the discussion where we are working through the document and discuss what Mr. Frazier had asked previously about the process moving forward. We will have a special in person meeting on October 8th. We will receive the presentation that the Commissioners had received the day before. It would be good to use the back half of that meeting for our final discussion and then to put forward a recommendation for adoption. We can prepare a list of issues that could use further consideration or just things that we think should be put under the microscope by the Commissioners as they are evaluating. What came out tonight, we have an issue with trails in natural areas. There were shared concerns about the cost of landscaping and whether or not that is going to be prohibitive for some good projects. We do need some more understanding of the sliding scale density and how that will help achieve the goals for agricultural areas. The concern about 10% being a triggering mechanism for building additions, that was a shared concern. Chair Spoon said Ms. Colbert was going to see whether or not the issues with private signage on public property was adequately addressed. Those were the shared concerns for us to finish our deliberations and to recommend adoption of the whole document. Chair Spoon said we have had an excellent group working on this and we started off with a very good comprehensive plan that this tries to bring to life. So overall, this is a great thing. Chair Spoon said he does not think the documents are going to change a lot between now and when we see them again on October 8th. There are things like typos and technical things, those can get fixed. There are some discussion areas around specific percentages and numbers. Those could possibly change as a result of our deliberations, but that would happen after we have reviewed it on October 8th. For the most part, this is close to a finished document and the final changes will likely be motivated by the Board of Commissioners and their interpretations of our comments, as well as citizen comments. Mr. Mullis and the development group, do you have more insight on the next steps and how we are going to handle this moving forward.

- Ms. Colbert said the concern is not only with the length of the document, but obviously the number of other related ordinances and cross references throughout the document into former ordinances at that point. How easy is it going to be for this document to be fixed if we come across something after it has been adopted that is really a terrible error of some kind? Chair Spoon said he wanted to ask staff a little more insight on that specifically as well. Ms. Robertson said this is a huge document and has not finished reviewing the whole thing and will definitely be taking more time between now and our more formal meeting. When it comes to submitting our comments or recommendations to the Board is that going to be an accumulation of everybody's comments. Are we going to try and produce a consensus? What is that going to look like?
- Chair Spoon said our best route for passing a recommendation is going to be a recommendation to approve the document as a whole, but to have a list of areas that we think should have full deliberation in the adoption process. So, to recommend the UDO, but to say these are the areas where there is a spectrum and we had differences of opinion or these are the areas where we want to make sure this aligns completely with Comprehensive Plan. It would be a recommendation from the Planning Board, along with areas of concern that we think should be considered more thoroughly. Ms. Robertson asked does that mean we are going to be able to submit individual thoughts on those areas of concerns? Chair Spoon said he would like to have a group list that we can all agree on, and then if you have individual ideas that did not make it in or you disagreed with the majority of the board on an issue, then that would be between you and the Commissioner, who appointed you to try and work with them, to validate that. The thought is to have the recommendation with a list of concern areas that we can all agree.
- Mr. Frazier suggests for the concern areas, it might be useful to vote on them one by one, kind of a whole list that we all can agree on, and we vote on them as a whole. It would be a cleaner and more sensible process to look at the things anyone wants to suggest or areas of concern, we talk about it and vote on it, then send it to the Commissioners. Chair Spoon said he will put some thought into the best ways to mechanically make this happen, that might lend itself to a very long-drawn-out discussion where we end up taking dozens of votes where we could just get a small list that everyone can agree on. Chair Spoon said he will work through that in the next couple weeks as we are preparing for the meeting.
- Ms. Colbert said when we did the Small Area Plan, we suggested a list where there was not a complete consensus or unanimity and everybody that had something they would like to look at. We could certainly put a list together like that. Ms. Colbert said she does somewhat agree with Mr. Frazier, especially if we have something that would cause someone not to support the plan as a result of a strong disagreement on principle or something like that. We need to put effort into crafting a good resolution and a good motion for approval on this ahead of time. Maybe the things that are most contentious or potentially contentious, or where there really is not a great consensus that we just list those as we did with the Small Area Plan. Chair Spoon said that is a good point and is going to work on the resolution for the recommendation and maybe the best way would be to put together that list and then we can go through and if there are issues that individual members would like to challenge, we can have votes on those individual ones and break them out like that. Mr Mayer said that he agreed with Mr. Frazier and Ms. Colbert about deliberating on each item.
- Mr. Andrews said he is more inclined to recommend approval of the UDO as a whole knowing it has been processed through the Planning Board and it is within his right to write a letter to the commissioner that appointed him to highlight his concerns, that might be a better way to go forward.
- Mr. Frazier said his understanding would be a recommendation to approve the UDO to the commissioners and anyone who wanted to write an amendment could do that. Chair Spoon said it would be good to have a clean recommendation for approval and then some discussion and some voting to finalize this list of concern areas, but we can determine that on how the majority feels on those individual points.
- Ms. Colbert said we have an opportunity between now and October 8<sup>th</sup> to perhaps individually submit our top five issues based on the preliminary discussion we just had and that would allow the presiding officers to consolidate that list and then achieve a consensus on the entire document with an advisory vote on the particular issues and concerns. Ms. Colbert said she would need to look up how that would work procedurally. Chair Spoon said that is a good idea and encouraged everyone to share their top five concerns with Mr. Mullis and Chair Spoon to create what we want to include on this list. Chair Spoon asked if Ms. Colbert would look up how to proceed procedurally

the course of action that would make that happen. A second set of eyes in Roberts Rule's would be nice and any suggestion you might have.

- Mr. Smith said if we give a blanket approval, how do we get corrections done if we approve it, it seems as though we cannot get corrections done before. Chair Spoon said we would recommend approval with the faith that they would take our consideration points and they would do their deliberations and any changes that need to happen would happen in the next three months prior to adoption by the Board of Commissioners. Then there is the post adoption period where we are breaking in the new plan. We did this with the conservation subdivision and when that started going wrong and it took about four months, we can make redline text amendments. Changes can happen. If the staff and consultants could weigh in on the post adoption period and the how easy it is going to be to fix things when things are not going to work exactly as we imagine they would. Mr. Sullivan said in April the consultants and staff met with the Board of Commissioners during the work session. We went through where we were in the process and we also said we need to figure out a timeline for adoption. The Board of Commissioners directed us as staff and the consultants to have this completed by November. That has been our marching orders moving from April to now. That does not mean that there will not be time to make adjustments to the adopted document. So, whenever the Board of Commissioners adopt the UDO, it will not become effective. What that means is, that we will have an adopted UDO. We will continue to operate under the current regulations in effect until we go through the kind of mass rezoning that will occur in early 2025, so we will have from the time of adoption until the Board of Commissioners are ready to approve the mass rezoning to take care of these kind of items like errors, typos, things like that. The Commissioner's interest is that in October or November we have an adopted ordinance that has the big picture items, big ticket items adopted and then over time we can kind of flesh out other issues that are coming up. We are already seeing that in our interactions with the developers right now, we are having conversations about how the new UDO will apply to properties that they are interested in, and it has been enlightening. It has been a good process for us. Probably a 6-month window, we will have additional changes that will need to be made that will incorporate into the UDO or amendments that will be adopted once the Board says, okay, we are ready to now adopt the mass rezoning.
- Chair Spoon said does everybody feel comfortable, or at least that they understand the next steps. Between now and the special meeting for this, we will have our regular October 1st meeting at the Old Ag building at 6:30 PM. We are going to do run everything just like we normally do with public input, so this will probably be kind of a lengthy public input session for that one. That is the October 1st at the Old Ag building and then our special meeting is the week after on October 8<sup>th</sup> at the New Ag Center, but it will be in the meeting rooms.
- Mr. Frazier asked how is the document we will be reviewing on October 8<sup>th</sup> going to be different than the document we are reviewing tonight, if at all, and they are still taking comments until October 10<sup>th</sup>, is that correct? Mr. Mullis said yes, we are still taking comments from the public until October 10<sup>th</sup> and regarding the document on October 8<sup>th</sup>, it will be the same document. The changes that all of you end up agreeing upon or consensus voting, those will be attached to your recommendation and reflected in what the Board of Commissioners will be reviewing. Ms. Cousino said they are taking the on-line comments through the Konveio website through October 10<sup>th</sup>, and after that, our plan, unless the BOC directs us differently, is to compile those comments and produce a report and provide that to the BOC ahead of their meeting on October 21<sup>st</sup> and then it is in their hands if there are any revisions they would like to incorporate into the UDO as a result of the comments we received from the community through the website or in person at the public hearing. The BOC may want to see a redline draft before they adopt the UDO or they may just adopt it with the revisions this board will make on October 8<sup>th</sup>.
- Mr. Mullis said the public hearing will be opened on October 7<sup>th</sup> at the BOC regular meeting.
- Chair Spoon asked the board to work on any concerns and send the top five concerns to Mr. Mullis or himself. Chair Spoon said he will meet with Mr. Mullis to finalize the list of concerns and start working on the full recommendation and the procedure to get that done.

V. ADJOURNMENT:

With no future business the meeting was adjourned at 8:47p.m.

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

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