



Chatham County Planning Board Minutes October 8, 2024

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

Present

Jon Spoon, Chair	Mary Roodkowsky, Vice-Chair
Tony Mayer	Eric Andrews
Shelley Colbert	Clyde Frazier
Amanda Roberson	Nelson Smith

Absent

Elizabeth Haddix

Planning Department

Jason Sullivan, Director, Chance Mullis, Assistant Director, Angela Plummer, Zoning Administrator, Kimberly Tyson, Subdivision Administrator, Dan Garrett, Clerk to the Planning Board.

UDO Consultants

Kelly Cousino and Geoff Green.

I. CALL TO ORDER:

Chair Spoon called the special meeting to order at 6:35 p.m.

II. DETERMINATION OF QUORUM:

Chair Spoon stated there was a quorum, 8 members were present, Ms. Haddix was absent.

III. APPROVAL OF AGENDA:

Approval of the Agenda – No changes to the agenda, motion made by Vice-Chair Roodkowsky, seconded by Mr. Smith and the agenda was approved 8-0, unanimously.

IV. APPROVAL OF MINUTES:

Consideration of the September 24, 2024 special meeting minutes for approval. Motion made by Mr. Mayer to approve the September 24, 2024 minutes, seconded by Mr. Frazier. The September 24, 2024 special meeting minutes were approved 7-0, Vice-Chair Roodkowsky did not vote because she was absent for the special meeting.

- Chair Spoon said we will receive public input and then receive a presentation from the UDO consultants.

V. PUBLIC INPUT SESSION:

- Ms. Melisa Semanov of 1389 Hadley Mill Road said Good evening, Planning Board members, and thank you for your time and dedication to the important work you do for Chatham County. I want to express my sincere gratitude for your service and for the thoughtful consideration you give to the concerns of our community. Today, I would like to speak to the issue of the Chatham County Unified Development Ordinance (UDO), specifically as it relates to affordable housing and agricultural zoning. Affordable housing is a pressing need, and I fully acknowledge the importance of creating opportunities for people of all income levels to live and thrive in our county. However, I believe we must also consider the unique character of our agricultural districts and the role they play in preserving the rural heritage and open space that define Chatham County.

The heart of our agricultural lands, like those in Hickory Mountain Township where I live, is vital not only for farming but for maintaining a quality of life that many of us hold dear. These areas are crucial for food production, environmental conservation, and the rural lifestyle that draws people to our county. The challenge we face is finding a way to meet the growing demand for affordable housing while respecting the integrity of these agricultural spaces. I would like to advocate for maintaining larger lot sizes in agricultural districts—specifically a minimum zoning of 3 to 5 acres per home. Smaller lots, which are often proposed to increase housing affordability, may work well in more urban or suburban environments but are not compatible with the agricultural nature of these areas. Dense developments in rural districts can lead to increased traffic, strain on infrastructure, and the erosion of the rural character that we all value.

By keeping zoning requirements at 3 to 5 acres, we can ensure that these agricultural districts remain viable for farming, while also protecting open spaces and natural resources. This approach would also help mitigate conflicts between residential and agricultural uses, reducing the potential for issues like noise complaints or conflicts over land use. While affordable housing is indeed critical, we must ensure that our solutions are tailored to the context in which they are being applied. In agricultural areas, the focus should be on preserving the land and lifestyle, not on introducing incompatible housing densities. There are other parts of the county where higher density development may be more appropriate, and I urge the board to look for those opportunities elsewhere. Thank you again for your time, your hard work, and for considering the voices of those of us who live in and care deeply about Chatham County's agricultural districts. Together, we can find a balanced path forward that addresses the need for affordable housing while also preserving the agricultural heritage that makes this place so special.

- Mr. Dan Sundberg of 295 Wildflower Lane said he is the current chair for the Chatham County Appearance Committee and I want to address some misconceptions I have seen and heard lately. First I want to just say that this UDO is not a boiler plate template. It is very Chatham centric and very intentionally written just for all of Chatham County. East, West, North and South. It has been worked on by our commission by evaluating project after project and how the project could have been better if the rules allowed. In the last 3 years the planning dept. has been helping us get true life examples and

suggestions to the consultants. Currently we have projects coming before us where tree lines on the property edge are cut down so they can plant trees and shrubs. Probably 100 miles of yaupon dwarf or Burford hollies have been proposed around parking lots and buildings if stretched end to end.

We have had some of the beautiful, designed landscapes around gas and electrical utilizes. But all we want is the native trees to hide it. Our goal was not to make projects less costly by retaining the rural character of Chatham County and getting rid of obsolete ways to landscape new developments. But it is certainly a very happy coincidence for all of us.

Comments heard:

The new landscaping requirements could add tens or even hundreds of thousands of dollars to a project, which could make certain developments financially unviable, and in turn affect what gets built and where. It would take a \$2,000,000 project budgeting 10% of the overall development budget to cost \$200,000 in landscaping. The new landscaping requirements have compared and used UDO's of surrounding counties. The landscaping requirements in the new UDO will meet the primary goal of keeping the rural character and bring Chatham County up to par with surrounding counties. Not beyond, just up to par. The cost of 10' trees is incredibly expensive. A 10' tall tree roughly equates to a 2" caliper tree. The existing Zoning Ordinance, p. 63, requires 2.5" caliper trees. The new UDO has reduced this size to 2" caliper. Most UDO's of surrounding counties required between 2-3" caliper trees. The price of a 2" tree from a local nursery costs around \$67. Installed it would cost 4 times that, or around \$268. It would take 746 2" caliper trees to reach a \$200,000 cost. The cost of landscaping is a barrier to affordable housing.

High land costs, zoning regulations, financing challenges, and community opposition are the primary barriers to affordable housing. Not landscaping. Land donation or reservation and housing trust funds are a couple of the six recommendations from the Comprehensive Plan to address the lack of affordable housing. But the biggest mistake in this statement is that a landscape buffer is not even needed between single family residential developments. Landscaping costs are passed onto the homeowner. All costs are passed on to the buyer. From nails to interest rates on the construction loan. Planting is just not that much of an additional cost. Again, there is no buffers required between single family residential developments. Condo and town house developments can take advantage of existing trees and understory to meet the UDO requirements. This will cost virtually nothing and be better at keeping the rural character of Chatham County.

New requirement with time penalties for developing timbered land. If Mom timbered her land and then died, her kids cannot sell the property because it cannot be developed for 3-5 years. This is an existing requirement in the Zoning Ordinance, p. 63. The new UDO clarifies that this requirement applies to "Clearing trees through development activity that uses timber harvesting." So, when Mom dies, (and I hope she is around a long time), and leaves her already timbered property to her kids, they can sell it to a developer without time penalties. Nobody does tree surveys, especially locally. I know of 3 regional and 2 local firms that will be happy to do the work. In addition, it is only the champion trees that need to be located. These are the trees that we all want to keep. Building additions greater than 10% have to bring everything up to current code, e.g., landscaping. The code in the new UDO says, "major building additions greater than 10% of the taxed value of the existing structure to be expanded must comply with Section 4.2: Building Design." That is, it. No other requirements, landscaping, or otherwise. Landscaping around parking lots is a new requirement and has safety concerns. Eric prefers berms. This is not a new requirement. It is in our existing Design Guidelines from 1999, p. 6. All UDO's from our surrounding counties visually screen parking lots to prevent glare and headlight intrusion onto streets and other properties. This has been the standard practice for decades and has never been identified as a security issue. The new UDO requires an 8' width around the perimeter of parking lots for a landscaped screen. UDO's from surrounding counties often require 10' (e.g., Orange County, Garner). We have also added an option to the UDO that states if the vegetated buffer around the

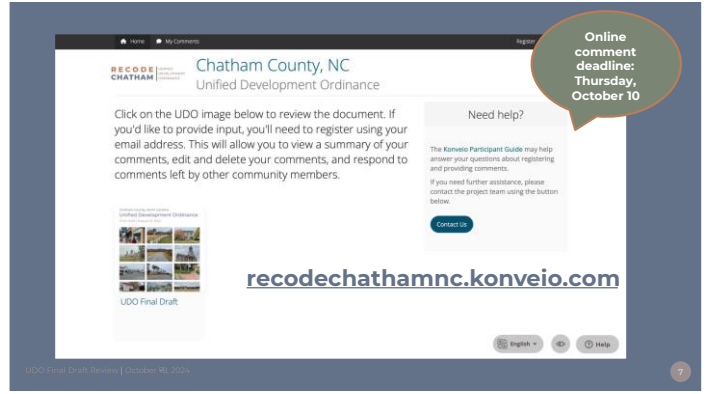
perimeter of a site effectively screens the parking lot, then no further landscaping is needed. Using a berm to screen instead of landscaping is not feasible in this situation since a 4' high berm would require 26' of base width.

However, this is a big! No shrubs are needed around the parking lot, at all! If the existing trees are kept. We do not like shrub borders everywhere either. They are unnecessary and we want money spent to make the project beautiful and natural. Toward this goal we are promoting successional growth. Just let the trees and understory grow. They can eventually become nature trails and count toward the open space requirements, They also create deer trail and in places, riparian buffer connections for wildlife. All great and better than shrub rows. Mr. Sundberg thanked the Planning Board.

- Mr. Dave Klarmann of 204 Hillcrest Avenue said I saw the mandates described in the UDO plans. For whom are we saving the rural character of Chatham County? Have the residents most affected by these restrictions been consulted? The families who reside in the rural communities of Bear Creek, Bonlee, Gulf, and Silk Hope are being denied property rights that the northeastern portion of Chatham had benefited from over the past 40 years. If the commissioners are aware of a massive change and the availability of water and sewer throughout District 5, I would appreciate knowing of such a development. Otherwise, the limitation of quality soil, coupled with major and minor subdivision ordinances, NCDOT restrictions, and US Army Corps of Engineering riparian buffer requirements already suffice to maintain what is currently our rural character. Concerning clear cut timber land, I find questionable, an individual must wait 5 years to develop property that has been harvested, and I ask why? If a developer purchases the land, that person first has to pay the deferred taxes over the past 3 years, and then you have got all the infrastructure costs that go into doing a subdivision, like roads, surveying the lots, a lot goes into making a subdivision. The best time to do these types of land and soil is when you can walk it and see it. Five years of undergrowth is difficult to diverse, to say the least. I do a lot of perk site work and I appreciate when I can see where I am going. There are ample policies and procedures already in place to help soil erosion, none of which are failsafe when Mother Nature goes ballistic, but they do an adequate job under normal circumstances. I ask this political body to take the necessary time to investigate thoroughly the land they indent to protect. Who are you having the greatest impact on and who will truly benefit from some of these mandates? Thank you for your time.

VI. UNIFIED DEVELOPMENT ORDINANCE:

1. Receive UDO consultant's presentation and evaluate the draft UDO and determine whether you would recommend its adoption by the Board of Commissioners.
- Ms. Kelly Cousino a Unified Development Ordinance (UDO) consultant gave a presentation to the Planning Board members and the slides are below.



UDO PURPOSE

- Implement:
 - Land use-related policies from *Plan Chatham & Plan Moncure*
 - Recommendations from the *Recode Chatham Audit Report*
 - Recommendations from the *Recode Chatham Health & Equity Assessment*
- Consolidate 12 development-related ordinances into a modern, user-friendly document
- Carry forward what "works" and update or eliminate what doesn't
- Revise current regulations where needed for consistency with best practices and State law

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CHAPTER THREE PLAN CHATHAM VISION

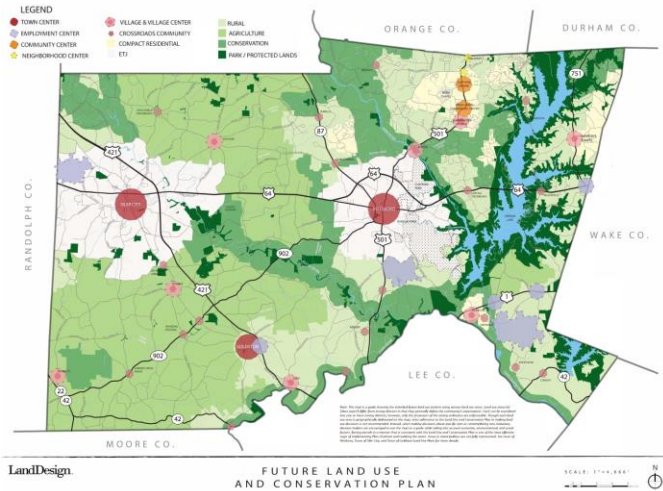
Plan Chatham envisions a future where a network of agricultural fields, pasture, timberlands, rural homesteads, and natural areas still dominate the County. The Haw, Rocky, and Deep rivers and their tributaries provide good water quality and aquatic habitat. **Vibrant towns, walkable centers** and clean industries provide jobs for residents. Shopping and dining options exceed expectations. **Agriculture is thriving. The form and function of rural character is preserved.** Tourism contributes significantly to the economy and is buoyed by a **connected network of trails, conservation lands and open spaces**—many publicly owned and accessible, others are privately owned and are sensitively integrated into new development through innovative design that achieves environmental goals while protecting private property rights. Education and **housing options** fulfill the needs of an evolving county, and infrastructure and services are scaled to meet demands while reinforcing land use and economic goals.

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Excerpt from Plan Chatham

GOAL	ECONOMIC DEVELOPMENT	LAND USE	HOUSING	HEALTH	AGRICULTURE	NATURAL RESOURCES	RESILIENCY	PARKS AND RECREATION	TRANSPORTATION	UTILITIES
1. Preserve the rural character and lifestyle of Chatham County.		●	●		●	●		●		●
2. Preserve, protect, and enable agriculture and forestry.	●	●		●	●	●				●
3. Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers.	●	●	●	●	●	●	●		●	●
4. Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting.	●	●		●	●		●		●	
5. Conserve natural resources.				●	●	●	●	●		●
6. Provide recreational opportunities and access to open space.	●	●		●		●		●	●	

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UDO GOALS

Protecting the rural character and lifestyle of the County is the primary goal of *Plan Chatham* (p. 61).

- **Preserve rural character and lifestyle**
 - 85% of land in the County is used for agricultural, forestry, or open space purposes
 - 68% of the County is covered in forests
 - Plan Chatham describes a “unique tapestry” of land uses that compose the rural landscape, including barns, silos, churches, poultry houses, general stores, and craft studios

UDO GOALS

- **Direct more intensive development toward towns (and ETJs)**
 - *Plan Chatham* policies build on this long-standing growth strategy
 - The towns have services and infrastructure to support growth (e.g., TriRiver Water)
 - Chatham County towns have 3-mile (rather than 1.5-mile) ETJs

BIG IDEA

70% of new development is in municipalities and in or near county centers. Chatham is a model for growth in the agricultural industry.

GOALS

- **PRIMARY GOAL**
Preserve the rural character and lifestyle of Chatham County.
- **SECONDARY GOAL**
Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-migration.
- **SECONDARY GOAL**
Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well-planned, walkable, mixed use centers.

Excerpt from *Plan Chatham* Land Use Chapter

UDO GOALS

- **Facilitate the preservation of agricultural land and natural areas**
 - Chatham County is in the top 3 counties for number of farms
 - Chatham County also is the site of the two largest economic development projects in North Carolina history

From the tractor

by Agriculture Commissioner Steve Traxler



Commissioner Traxler
A couple of farms recently caught my eye and I thought I would share with readers.
The first I wanted to mention was the Department of Environmental Quality's newly released rankings regarding carbon sequestration from agriculture that was included in the state's Greenhouse Gas Inventory.
Specifically, the report noted that farms, natural lands, and agricultural lands sequestered an estimated 34% of the state's gross greenhouse gas emissions in 2020, a much higher

number than reported previously. The previous amount was 26%. Additionally, the net emissions of greenhouse gases have fallen 38% between 2005 and 2020 in North Carolina.
The other recent release is the 2022 Census of Agriculture from the USDA's National Agricultural Statistics Service. This nationwide Census also includes agricultural information from North Carolina producers. Before you think that is a typo, the Census is conducted every five years and it is a crucial to provide a snapshot of the state and nation's agriculture industry.
A few things stood out to me as positive points, but the ongoing loss of farm and forest lands that we continue to see in the numbers, only reinforces the fact that farmland preservation must remain a focus for our state and our ag industry.
Farms and forest land loss and its greater impact on our environment is what the two reports come together to paint a powerful picture of lost

potential.
The American Farmland Trust ranks us second in the country in projected land loss by 2040, estimating that development of farms and forest lands will result in the loss of 1.1 to 1.6 million acres.
If we lose over a million of our 8.1 million acres of farms and forestland as projected by 2040, it will significantly change the complexion of our state. And, that change will also reduce the environmental benefits gained from farms and forestland including carbon sequestration, watershed protection and water quality, and erosion control just to name a few.
Seeing what I see in terms of development when I travel around the state, I know we need to really dig in on farmland preservation efforts and investments in agriculture's future.
The Census numbers showed we have the largest number of farms in Randolph, Chatham, Buncombe, Johnston and Wayne counties. What it doesn't show is the major development

plans and building taking place right now in Randolph, Chatham and Johnston counties.
Some of the well-known projects plan to occupy 1,000 acres in Randolph County, a 2,500-acre site in Chatham County and another 8,500-acre site in Chatham County. And that is just the beginning as additional growth will likely take off around these megaprojects.
Farmland preservation helps ensure we have the natural resources we'll need to continue to feed ourselves and others, but it also helps us maintain the green, lush landscapes we are known for. The benefits extend significantly beyond that by filtering and recharging ground water, improving soil health, reducing erosion and sequestering carbon.
These two reports show me we need to be strategic in investing for the future when it comes to farms and forest lands. We shouldn't lose sight of the fact our state and our farmers are feeding people.

Randolph County has the most farms statewide, with 1,238; Buncombe and Chatham counties each also have over 1,000 farms.

Source: 2022 Census of Agriculture





UDO DRAFTING MODULES

Module 1: Zoning Districts & Use Regulations

- Chapter 1: *Introduction*
- Chapter 2: *Zoning Districts*
- Chapter 3: *Use Regulations*

Module 2: Development & Design Standards

- 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*

Module 3: Administration & Procedures

- 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*

Module 4: Definitions

- Chapter 17: *Definitions & Acronyms*

Today's Review
Focus on major revisions made as a result of community input received on each of the drafting modules

CHAPTER 2: ZONING DISTRICTS

R1 District	NR District	NC & AC Districts	Parallel Conditional Districts
<ul style="list-style-type: none"> Minimum lot area changed back to current standard Detached houses <ul style="list-style-type: none"> 40,000 sf 65,340 sf with well/ septic Duplexes <ul style="list-style-type: none"> 40,000 sf per dwelling unit 	<ul style="list-style-type: none"> Neighborhood Residential District added to implement <i>Plan Mancure</i> recommendation Detached houses <ul style="list-style-type: none"> 65,340 sf 87,120 sf with well/ septic Duplexes <ul style="list-style-type: none"> 60,000 sf per dwelling unit 	<ul style="list-style-type: none"> Changed from conventional to conditional districts 	<ul style="list-style-type: none"> Added to accommodate former SUP uses Each conventional zoning district, except PP, has a parallel CD Only those uses listed in the use tables as CD uses for the corresponding conventional district may be allowed

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CHAPTER 3: USE REGULATIONS

New Principal Uses	New Use-Specific Standards	Expanded Tobacco Retailers Use
<ul style="list-style-type: none"> Short-term rentals Manufactured home parks RV dwelling units Life sciences facilities Life sciences products manufacturing Colleges and universities Emergency shelters Food pantries Cigar bars Hookah lounges Sports wagering establishments 	<ul style="list-style-type: none"> Short-term rentals ABC stores Hookah lounges Pet day care facilities Self-service storage facilities 	<ul style="list-style-type: none"> Includes vape and hemp retailers Additional use-specific standards related to business location and building appearance

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CHAPTER 3: USE REGULATIONS

Accessory Uses	Temporary Uses
<ul style="list-style-type: none"> Limits flagpole height to 35 feet Adds accessory outdoor storage with use-specific standards Adds short-term rental (in accessory dwelling unit) with use-specific standards 	<ul style="list-style-type: none"> Adds mobile health clinic with use-specific standards

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CHAPTER 4: DEVELOPMENT & DESIGN STANDARDS

Building Design	Landscaping & Screening	Lighting
<ul style="list-style-type: none"> Adds allowance for Appearance Commission (CCAC) to recommend modification or waiver of standards in its review of Zoning Compliance applications for building additions Zoning Administrator may approve the modification or waiver, if affirmatively recommended by CCAC 	<ul style="list-style-type: none"> Revised to include species diversity standards recommended by the Tree Protection Working Group Adds requirement for street trees Adds requirement for shade trees for parking lot screening (in addition to evergreen shrubs) 	<ul style="list-style-type: none"> Removes requirement for security lighting in parking lots Instead requires parking lot lighting to be turned off if not needed for business operations or security Prohibits streetlights from being located within 50 feet of the exterior boundary of a development site, except for vehicle access points (5,500 lumens limit)

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SIGNS

- Exempts painted wall graphics and tile mosaics that display images or patterns (but not those that display text, logos, etc.)
- Applies billboard maintenance standards to all signs
- Adds material standards for residential development signs
- Prohibits open or closed gas flames in residential development signs and entry features
- Requires all signs to be set back at least 4 ft from NCDOT sight distance triangles
- Limits allowable sign materials for the one temporary sign on each parcel that may be displayed without any time limitation
- Prohibits uplighting and internal illumination of billboards

Agricultural Subdivisions

- Relocates provisions for sliding scale conventional and conservation subdivisions to a new agricultural subdivision type
- Required in the RA and AG districts for all subdivisions resulting in 6+ lots

R5 District Subdivisions

- Subdivision of a parcel into 10 or fewer lots may be a conventional or conservation subdivision
- Subdivision of a parcel into more than 10 lots must be a conservation subdivision

Buffers

- Revises requirement for buffers to be located on separate lots to apply only in major subdivisions
- Now also includes transitional (perimeter and street) buffers
- Revises "agriculture-friendly" design requirement to require a perimeter buffer for all major subdivisions
- 75 ft Type D buffer ("Successional Growth") or
- 60 ft planted Type B buffer

CHAPTER 6: CONSERVATION & OPEN SPACE

Incentives

- Adds density bonus for additional open space
- 5% additional open space
- Single-family detached, duplexes = 1 du/ac
- Townhouses, apartment complexes = 2 du/ac
- Clarifies incentives for open space reduction are not cumulative

Open Space Composition

- Allows transitional buffers to count as up to 25% of required open space
- Reduces allowance for riparian buffers to count as required open space from 25% to 10%
- Clarifies any riparian buffer area used to meet the required minimum lot area on an adjacent lot cannot count towards required open space

Off-Site Open Space

- Allows up to 25% of required open space to be provided off-site if it is:
 - At least 3 acres in size
 - Approved by the BOC through the major subdivision sketch plan procedure or zoning compliance permit procedure, as applicable
- The BOC may allow up to 50% of required open space to be provided off-site if:
 - The primary entrance to the proposed development is located within ½-mile of existing, publicly accessible open space

- Mr. Frazier said if you are in a RA district with an average lot size of 5 acres with 5% additional open space, do you get 6 residences on 5 acres? Ms. Cousino said that is what we need to determine. There are at least three different interpretations based on what has been drafted. This needs a little more attention and clarification.

TREE PROTECTION

- Reduces container tree planting rate from 100 to 85 trees per acre.
- Adds a fourth incentive for locating tree save area (TSA) in preferred locations (contiguous to existing woodlands)
- Adds 10% density bonus incentive for preservation of specimen trees
 - 24" DBH
 - Species is listed as a large tree in Appendix A: Plant List
 - Species is listed as a native tree in Appendix A: Plant List
 - Tree is in fair or better condition as determined by the developer's certified arborist
 - The tree is located outside of a required TSA

Connectivity

- Increases the distance between required future connections to adjacent property from 660 feet to 1,320 feet in conditional districts and 2,640 feet in all other districts
- Applies connectivity requirement only to areas of a site proposed for development

Private Driveways

- For Tier 1 major subdivisions, applies the County's current private road standards

Multimodal Transportation

- Removes requirement for sidewalks in the PP, AG, RA, R5, and R2 districts
- Adds requirement for transit stops, except in subdivisions with less than 50 lots

Watershed & Riparian Buffer Protection

- Adds nonconformity provisions
- Initially, these provisions were planned for consolidation with other nonconformity provisions in Chapter 14

Stormwater Management

- Clarifies process for stormwater permitting, including validity, close-out, and post-construction stormwater permits
- Renames major and minor "variances" as major and minor modifications and revises associated definitions

Soil Erosion & Sedimentation Control

- Edits for consistency with revisions to N.C.G.S.
- Clarifying the County shall not deny a plan based solely on the applicant's need to obtain other development approvals
- Allowing a plan holder to begin land-disturbing activity following approval of an erosion and sedimentation control plan—even if other development approvals that may be required from the County for the project have not yet been obtained

New Procedures

- Early land-disturbing permit

Renamed Procedures

- Administrative Major Subdivision (6-15 lots) = Tier 1 Major Subdivision
- Major Subdivision (16+ lots) = Tier 2 Major Subdivision

Revised Procedures

- Minor Subdivisions require TRC review if the proposed subdivision involves land that contains a building or site listed on the National Register of Historic Places
- Requires soil survey at Sketch Plan (rather than Preliminary Plat) for Tier 2 Major Subdivisions

- Provides exception to limits on changes to nonconforming structure for historic structures
- Requires property owner to submit a request to the Chatham County Historical Association (CCHA) for a recommendation as to whether the exception should apply
- Zoning Administrator (ZA) may approve if they find the exception is necessary to maintain the structure's historic integrity
- ZA must consider CCHA's recommendation but is not bound by it
- Carries forward ZO Sections 19.12 *Vested Rights and Permit Choice* and 19.13 *Vested Rights and Site Specific Vesting Plans* (which were inadvertently omitted from the previous draft)

- Revises calculation of density to use net (rather than gross) land area
- Revises areas excluded to arrive at net land area:
 - Open space required by Section 6.1
 - Development boundary setback areas in conditional districts
 - Transitional buffers required by Section 4.4.7
- Clarifies minimum lot area may include the area of abutting riparian buffers, in accordance with N.C.G.S. § 143-214.23A(f)
- Clarifies applicability of minimum lot width to flag lots
- Adds explanation of how to measure use separation

NO SUBSTANTIVE EDITS

- 11: Flood
- 13: Reviewing & Decision-Making Bodies
- 15: Enforcement
- 18: Submittal Requirements

ADDITIONAL TOPICS FOR PLANNING BOARD DISCUSSION

CHAPTER 5: GENERAL SUBDIVISION STANDARDS

AGRICULTURAL SUBDIVISIONS

- Required for all major subdivisions (6+ lots) in AG and RA Districts
- Lots must meet minimum area for zoning district
 - AG = 10 acres
 - RA = 3 acres (minimum), 5 acres (average)
- Overall density based on a sliding scale (per *Plan Chatham* example)
 - Higher development yield for smaller parcels
 - Lower development yield for larger parcels
- Goal is to disincentivize the development of larger parcels so they can remain in or remain available for agricultural use

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5.4.4: AGRICULTURAL SUBDIVISIONS

SAMPLE SITE – AG DISTRICT

310-acre site in AG District

- 1 du per 10 ac for first 100 ac = 10 du
- 1 du per 30 ac for addtl 210 ac = 7 du
- 17 lots with a min. area of 10 ac each = 170 ac lot area
- 45% Agricultural Area or open space = 139.5 ac
 $310 \text{ ac} \times 45\% = 139.5 \text{ ac}$
- $170 \text{ ac} + 139.5 \text{ ac} = 309.5 \text{ ac}$
- Est. 10% of site area for roads = 31 ac

Area of Parcel to be Subdivided	Density (max)
20 ac to 100 ac	1 du per 10 ac
More than 100 ac to 250 ac	1 du per 10 ac for the first 100 ac, then 1 du per 20 ac for the additional acreage
More than 250 ac to 500 ac	1 du per 10 ac for the first 100 ac, then 1 du per 30 ac for the additional acreage
More than 500 ac	1 du per 10 ac for the first 100 ac, then 1 du per 40 ac for the additional acreage

Key: max = maximum allowed | ac = acres | du = dwelling unit

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SAMPLE SITE – RA DISTRICT

50-acre site in RA District

- 1 du per 3 ac for first 30 ac = 10 du
- 1 du per 5 ac for addtl 20 ac = 4 du
- 14 lots with a min. area of 3 ac each, avg. area of 5 ac = 70 ac lot area (min)
- 45% open space or Agricultural Area = 50 ac x 45% = 22.5 ac
- Est. 10% of site area for roads = 5 ac

Area of Parcel to be Subdivided	Density (max)
6 ac to 30 ac	1 du per 3 ac
More than 30 ac to 50 ac	1 du per 3 ac for the first 30 ac; then 1 du per 5 ac for the additional acreage
More than 50 ac to 100 ac	1 du per 3 ac for the first 30 ac; then 1 du per 10 ac for the additional acreage
More than 100 ac to 500 ac	1 du per 3 ac for the first 30 ac; then 1 du per 15 ac for the additional acreage
More than 500 ac	1 du per 3 ac for the first 30 ac; then 1 du per 20 ac for the additional acreage

Key: max = maximum allowed | ac = acres | du = dwelling unit

AGRICULTURAL PRESERVATION ZONING

- Preserves large tracts of land for agricultural use
 - Average farm size in Chatham County* = 106 acres
 - Median farm size in Chatham County* = 49 acres
- Limits or prohibits non-agricultural land uses
- Helps prevent suburban sprawl
- Can reduce land values

* USDA Census of Agriculture 2022

- Mr. Andrews said it seems sometimes agricultural and timber tracts are used interchangeably, is the average farm size in Chatham 106 acres, or does that include timber as well? This is hard to believe unless there is timber land included. Ms. Cousino said this information came from the USDA agricultural census, and she is not sure if they combine timber and agriculture together. Mr. Sullivan said the USDA census does include woodland, crops, and pastures.

ALTERNATIVES

- Keep sliding scale density but set a minimum and maximum lot area (e.g., 1 to 2 acres) to keep ag. areas in productive use
- Sliding scale with a set number of lots (rather than du/ac), also with min/max lot area
- Large minimum lot area (20+ ac)
- Density bonus for preservation of ag. land
- Eliminate ag subdivisions
- “Exclusive” agricultural zoning (limits land uses to ag. uses, farm dwellings)

N.C.G.S. §160D-802 exempts from subdivision regulation “the division of land into parcels of greater than 10 acres where no street right-of-way dedication is involved.”

- Ms. Cousino pointed out the state statute from Chapter 160D regarding exemption from subdivision regulations and provided some alternatives for the Board members to think about rather than the sliding scale density option.

CHAPTER 6: CONSERVATION & OPEN SPACE

SECTION 6.1: OPEN SPACE

- At least two types of open space are required
- At least 50% of required open space must be Natural Area, except in:
 - Conservation subdivisions, which must have 80% Natural Area
 - Agricultural subdivisions, which do not require Natural Area
- All residential subdivisions, except family subdivisions, must include at least 1,245 sf of Recreation Area per lot

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CHAPTER 6: CONSERVATION & OPEN SPACE

WHAT DOES NOT COUNT TOWARDS REQUIRED OPEN SPACE?

- Natural water bodies
- Stormwater management facilities, except vegetated LID features as allowed by Table 6.1.4-1: *Types of Open Space*
- Private lots, yards, balconies, and patios dedicated for use by a specific unit
- Required building separation and setback areas
- ROW and easements for above-ground electrical transmission lines, oil lines, or natural gas lines
- Public and private streets, parking areas, and driveways, unless they provide access only to required open space
- Designated outdoor storage areas

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CHAPTER 6: CONSERVATION & OPEN SPACE

WHAT COUNTS AS OPEN SPACE?*

Element	Required By UDO Section	May Constitute How Much Required Open Space?
Tree Save Areas	6.3.3	100%
Transitional Buffers	4.4.8	25%
Cemetery Buffers	6.2	100%
Riparian Buffers	8.6	10%
Floodplains	n/a	25%
Green Roofs	n/a	5% or 10%, depending on zoning district
Human-Made Water Bodies	n/a	25%, if it includes amenities

* In addition to other land designated solely for open space use

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NEXT MEETINGS

NEXT MEETINGS

- ✓ September 24 – Planning Board (special virtual meeting)
- October 7 – Board of Commissioners (BOC)
- October 8 – Planning Board
- October 21 – BOC
- November 4 – BOC (tentative)
- November 18 – BOC (tentative)

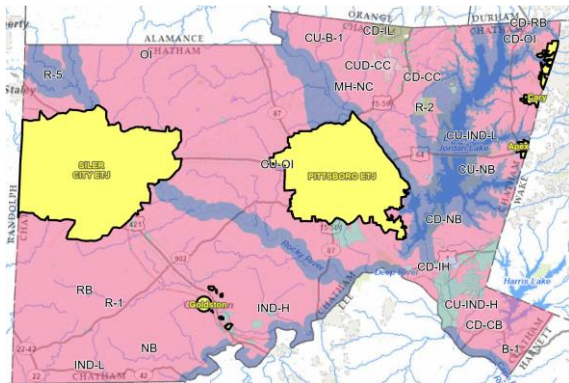
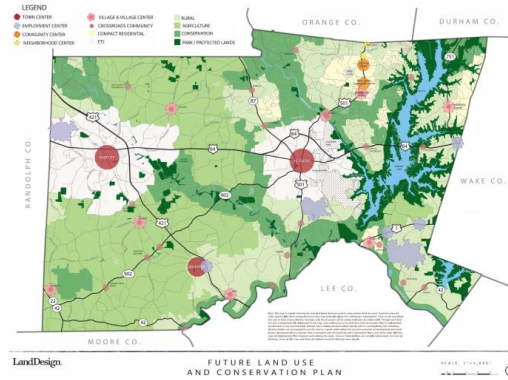
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IMPLEMENTATION

CONSIDERATIONS



- Rezoning to implement the *Plan Chatham* Future Land Use & Conservation Plan
- Permit choice and vested rights (N.C.G.S. § 160D-108)
- If BOC chooses to rezone properties, determine whether BOC will hold rezoning votes under current regulations



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- Ms. Cousino finished the UDO presentation and said they are planning to be at the October 21, 2024 BOC meeting to go over all of the public comments and Planning Board comments up to this point. Then most likely one more time in November for the adoption of the UDO.
- Chair Spoon said as a Board we are going to set up a list of areas we think deserve more consideration for the BOC in the adoption process. As the discussion, if the consultants hear anything that might be incorrect or can provide clarification, please do so.
- Chair Spoon said we will first address any overarching concerns that are not specific to a certain chapter or section, or not necessarily part of the operation of the document.
- Chair Spoon said there will need to be a significant investment made by the county in both staff and technology to make this a workable document to bring it forward so the most people can get the most advantage out of this, especially in the rezoning process. It is going to take a few years and will be a significant financial commitment for the county. Chair Spoon said he wanted to bring that up as a point and asked if anyone had further input. Ms. Colbert said maybe we can phrase it as a recommendation for developing additional policy guidance from the BOC for the implementation of the UDO administration procedures, enforcement, or anything else that involves supplements the policy decisions that are directly enumerated in Plan Chatham that could be foreseen to resolve from the adoption of the UDO. Chair Spoon asked if Ms. Colbert thought that this should not be included on the list of concerns. Ms. Colbert said generally we could say that there is a recommendation for additional policy guidance from the BOC for implementation. Chair Spoon said he would like to have a vote to see who thinks this is important.
- Mr. Andrews asked how flexible will it be for us to make changes to the UDO for unforeseen issues. Chair Spoon said once this document is adopted we will want to monitor to make sure that it is operating as expected, and to make quick text amendments as needed. That is a commitment the Planning Board and the BOC will need to make for the first few years.

- Ms. Robertson said about the financial commitment is out of the Planning Board scope, that is something staff and the BOC will have to consider. It could be topic of concern and just recommend that the BOC keeps that in mind. It is clear they know the financial commitment to this UDO. There was Board discussion about this topic and Chair Spoon said the BOC need to fully consider what it is going to take to fully adopt, implement, and enforce this UDO correctly. Ms. Colbert said she would be willing to support this if it was a little more specific. Mr. Mayer and Ms. Robertson discussed the financial requirement for an arborist and an alternative to something so specific could be a horticulturist with more general knowledge would be more useful in a lot of instances.
- Ms. Colbert said maybe it could be a general recommendation to consider the need for additional staff or positions for implementing the ordinance.

Motion made by Ms. Colbert that the commissioners consider the need for additional staff positions in implementing the ordinance, seconded by Mr. Frazier. There was a vote and it was passed 8-0, unanimously.

- Ms. Robertson said there really is no mention of climate change in the document, it was not mentioned in the design principles and that is a big part of Plan Chatham. Ms. Robertson said she would like to see that included as a reference, and under design principles as a driving force for a lot of the reasoning in here. Certainly, in the tree protection area, but not just there, this is a huge issue in North Carolina.

Motion made by Ms. Robertson to make climate change integrated with the design principles to be more of a guiding force in our UDO document, seconded by Vice-Chair Roodkowsky. There was a vote and it was passed 6-2, opposed by Mr. Mayer and Mr. Andrews.

- Chair Spoon said in Chapter 1.8 Severability clause, if any part of this is struck down by a court then the rest of it continues to operate as it should. In the instance where we have theoretically high density in places, but we have practical limits that are born out of our tree protection and open space requirements, does this clause leave us vulnerable to an ill-suited development framework if sections of this document are preempted by state law? Chair Spoon said he would want to include something in the inseparability if major parts of this are preempted by state law, that causes it not to function that we anticipated, we would be able to revert back to the old rules. Ms. Robertson said maybe not back to old rules, but we need to consider how we would want to address that situation. Chair Spoon said something that would trigger a decision required by the BOC. Ms. Colbert said if something like this were to occur, is there no other mechanisms within the document that would allow the BOC to then address those issues? Chair Spoon said if we are preempted by state law then this holds true. Ms. Robertson agrees. Mr. Frazier said it is not clear it would be a problem. Tree save and open space was mentioned, if those go then we are back to way we started. Mr. Sullivan said the legislature makes changes to land use law every year. They always have an effective date out to the future and the Schol of Government will let us know. Adding anything might be unnecessary. Mr. Andrews said is it possible what we would revert to could be in violation as well, is that correct? Mr. Sullivan said yes we would go through the amendment process and figure out what we could legally amend it to. Chair Spoon said he still would like this to be considered.

Motion made by Chair Spoon to consider a mechanism within the UDO document to protect the county from the severability clause, seconded by Ms. Robertson. There was a vote and passed 5-3, opposed by Ms. Colbert, Mr. Mayer, and Mr. Andrews.

- Chair Spoon said there was a concern in Chapter 2.12 Zoning Districts Established.

- Ms. Colbert said her chief concern is broad references to procedures in Chapter 12 that were not spelled out by cross reference in the document. If we could get better specificity on cross references, rather than refer to an entire chapter. Reference the specific section it is intended to cross reference to.

Motion made by Ms. Colbert for clarity within the document specifically to cross references, seconded by Mr. Andrews. There was a vote and it passed 8-0, unanimously.

- Chair Spoon said there was a concern in Chapter 4.2.2 Design Principles.
- Ms. Robertson said climate change is under section 4.2.2.C. conserving natural resources and 4.2.2.D. resilient and healthy communities, however those were mentioned under design principles, and did not see anything specific within the document except through incentives, and that is disappointing. Ms. Robertson asked why and how are the following items like residential developments not included in these design standards, referenced in 4.2.3. under applicability. Why are light industrial and heavy industrial and other exempt from all of those standards Ms. Cousino said the building design standards are geared more towards businesses that are going to have pedestrians and walking clients, and a lot of times the uses in the light and heavy industry districts do not lend themselves well to those design standards. Ms. Robertson said this was conserving natural resources and resilient and healthy communities and they were omitted from those spaces, it is not clear why residential development were not included in there. Ms. Cousino said design principles pertain only to the building design architectural standards, so those do not apply to residential uses other than multifamily buildings with 5 or more units or mixed-use. These are primarily intended to apply to nonresidential.
- Ms. Colbert said would it make sense to clarify the stated purpose in 4.2.1. design standards, the purpose of the design standard is to improve their appearance. Currently it states buildings across the jurisdiction, would we want to describe what kind of buildings, would that clarify it better? Ms. Robertson said we do need to make it clear in the document. Ms. Cousino said we might consolidate the design principles into the purpose section because they are not intended to be standards, they are more guiding principles for the designer to use. Ms. Robertson agrees because it seemed odd were it was located.

Motion made by Ms. Robertson to consolidate and relocate the design principles, seconded by Ms. Colbert. There was a vote and passed 7-0, abstained by Mr. Frazier.

- Chair Spoon said there was some concern about solar systems in Chapter 4.2.5, neighborhood center district, form, and design standards.
- Ms. Robertson said a building shall orient towards the street they face. Passive solar design standards in an age of climate change is good to go by situating the building with the sun not necessarily facing towards the street. We should just remove that requirement, “the building shall orient towards the street it is facing.” This will allow people the option of passive solar design standards. Ms. Colbert said this was also a point raised in the Climate Change group where we have two statements, both of them use the term “shall face” and they are at odds with each other in two different parts of the document. That does need to be reconciled so there is not a contradiction. Vice-Chair Roodkowsky said what she is hearing is solar collection should take priority over the orientation of a building, the priority should be alternative energy production. There was some Board discussion about the building orientation and the priority of solar design.
- Ms. Colbert said the sections that are address this are 2.3.5.E.1.a., this says the building shall orient the street they face. This is in zoning districts and conditional districts. Both here and elsewhere in the UDO were building orientation is addressed, the provision should state that buildings shall be oriented as to maximize their ability to take advantage of passive solar design systems. Ms. Colbert said she supports the idea in crafting a way to make that clearer.

Motion made by Ms. Robertson to eliminate the restriction for street orientation on buildings and consideration for other options that might encourage passive solar designs, seconded by Mr. Frazier. There was a vote and it passed 8-0, unanimously.

- Chair Spoon said there was some concern in Chapter 4.2.3 C. Building Additions.
- Mr. Andrews said the 10% threshold for building additions is too low and the American Planning Association recommends 25% to 50% threshold. We do not want someone shutting down a business or moving somewhere else due to this requirement. Mr. Andrews said he likes the recommendation from the Chatham County Appearance Commission about a modification or a waiver, that is another option. 10% is too strict of a number and would like to see that percentage higher. Mr. Frazier confirmed if there is a 10% building addition, the addition is required to come up to current standards. Mr. Andrews said that is correct. Chair Spoon said he agrees and thinks the building addition percentage should be more around 40%. Ms. Colbert asked if we could hear from the consultants to see how they arrived at the 10% figure. Ms. Cousino said it is not clear how we arrived at the 10% threshold, that is a policy decision and agrees 10% is probably too low. Ms. Robertson said how about we just recommend to increase it and leave the percentage up to the BOC. Ms. Colbert said this is trying to identify is what constitutes a major building addition and this attempts to address that by indicating that it is greater than 10% tax value. Under what circumstances segway from being minor to becoming major specifically to this definition. Mr. Andrews said he used American Planning Association as a resource and they recommend 25% to 50%. Chair Spoon said right now we are considering increasing it from 10%, but not a specific percentage. Allow the commissioners to make that decision.

Motion made by Mr. Andrews to recommend increasing the major building addition threshold above 10%, seconded by Ms. Robertson. There was a vote and passed 8-0, unanimously.

- Chair Spoon said there was concern about Chapter 4.4.4. General Landscape.
- Mr. Frazier said there are two concerns here, one is to allow a bond for required landscaping. Currently you cannot get a certificate of occupancy until the landscaping is installed and you cannot install the landscaping if you have trees until October. This creates a delay and we should allow the developers to post a bond if everything else is done. Chair Spoon said we could include that it needs to have more consideration over the general landscaping requirements, and whether or not they place an undue burden on developers and then have the BOC make the specifications on if a bond should be required. Mr. Andrews said his concern is what additional investigation has been done to the additional cost to the developers. Ms. Robertson said she agrees with Mr. Frazier and a bond is a possible solution, but what if we recommend that we feel this is onerous on landscapers, the planting time of year is a real challenge and a solution might be a bond, but this should be revisited. Ms. Colbert asked if they were discussing section 4.4.4.D., installation requirements because section 4.4.4. is more than just that. Chair Spoon said the whole landscaping section could use some more consideration and have a motion for section 4.4.4. whether or not this is creating too onerous of requirements. There was some Board discussion about this section and the size requirements of the trees. Planning Board members agreed that smaller plants and trees tend to survive better than larger plants and trees when planted.

Motion made by Mr. Frazier to consider allowing a bond for required landscaping and allowing smaller trees to be planted, seconded by Mr. Mayer. There was a vote and it passed 8-0, unanimously.

- Chair Spoon asked if there was a motion to generally put more consideration into Chapter 4.4.4. General Landscaping as a whole?

- Ms. Colbert asked if there are specific objections to 4.4.4A. Plant Selection, or B. Species Diversity, do we really want them to go back to the drawing board on all of these sections? Mr. Mayer said he objected to the sections we voted on already. Ms. Colbert said she is just trying to narrow the focus. There was some Board discussion about section 4.4.4 as a whole and what areas were of concern and what areas were not of a concern. Recommending the commissioners to review the whole section may not be helpful to them. The Board came to the conclusion that the section requiring the most attention was sections 4.4.4.C. and 4.4.4.D.

Motion made by Mr. Andrews for more consideration into sections 4.4.4C. and section 4.4.4.D. with regards to cost and landscaping requirements, and the size of trees used, seconded by Ms. Robertson. There was a vote and passed 8-0, unanimously.

- Chair Spoon said there were some concerns about Chapter 4.4.7 Parking Lot Landscaping.
- Mr. Andrews said he is not anti-tree, he still feels this is a security issue, but if nobody else on the Board agrees he will make an individual notation to the commissioners. Mr. Smith said he has an issue with the size of the trees in the parking lot because they can obstruct your view when making turns and can cause a collision. Ms. Colbert said there are view standards located elsewhere in the document concerning what is along frontage and driveway. Mr. Smith gave an example of how a vehicle or obstacles can be hidden by foliage and cause an accident.
- Mr. Andrews said on page 183 there are specific requirements for parking lot screening and he is personally worried about security risks, people hide in vegetation to do bad things and worried about individuals security when they are walking to their cars. Mr. Andrews said there was a parking lot in Chapel Hill called Arboretum that had a lot of vegetation and had dozens of crimes, and when the vegetation was removed the crimes stopped.
- Ms. Robertson said another thing that is important about the vegetation is for climate change because it can help cool down the parking lot, so there are some alternatives to that and will not support the motion for that reason and we do not have the statistics regarding crimes. Vice-Chair Roodkowsky said what if we ask the commissioners to balance the needs of vegetation for climate purposes and maintaining physical standards for security purposes.

Motion made by Mr. Andrews to consider in section 4.4.7.D. the balance of vegetation around parking lots for climate and security considerations, seconded by Mr. Smith. There was a vote and passed 6-2, opposed by Mr. Colbert and Mr. Mayer.

- Chair Spoon said there were some concerns about Chapter 4.5.2 B Lighting.
- Ms. Colbert said this section applied to street lighting and major subdivisions, if provided. Other types of lighting in major subdivisions are not subject to this section. Ms. Colbert said her concern with this section is the lighting on the commercial buildings located within major subdivisions such as the clubhouse and other amenities that would be approved as part of that process and how will lighting be regulated on those buildings. Ms. Colbert asked the consultants why that was not included and how other structures within a subdivision that are more commercial in nature would be regulated in terms of their lighting. Ms. Cousino said those would not be regulated, but they can be, we focused it on commercial uses, but that is a valid concern about amenity facilities in residential development having similar lighting to commercial development.

Motion made by Ms. Colbert to consider updating section 4.5.2.B. to address amenities within residential subdivisions, seconded by Ms. Robertson. There was a vote and passed 8-0, unanimously.

- Chair Spoon said there was some concerns about Chapter 4.7 Governmental Signage.
- Ms. Colbert said section 4.7.4 Exempt Signs, “the following signs are exempt from the permitting requirements of these regulations but are subject to the maintenance requirements of these regulations. A. Governmental signs.” Ms. Colbert said if you go to the governmental sign cross reference is section 17.2 it says, “any sign erected by the federal, state, or county government, including street name and identification signs, warning and directional signs, and public notices.” Ms. Colbert said the problem she has with the language is from a regulatory standpoint is the use of the word “including” because it does not exclude other specific uses. If it is not prohibited in any manner at all, and the argument she would make is that the school district is indeed a function of county government and could therefore determine and include and use under this definition in section 17.2. When you marry the nonspecific definition of county government in section 4.7 to the non-exclusive language in section 17.2, we are back to square one because it is a circular argument. We are relying one to define the other using the exact same term and this is a real language problem in terms of making sure that we do not have uses that would be prohibited elsewhere in any other part of the zoning ordinances relating to signage. It is a giant loop hole regarding school property signage because there is nothing specific in this that addresses the concern.
- Mr. Andrews said it is his experience that signs are a huge source of revenue for those schools. Ms. Colbert said we also had the discussion from the consultants that all of the signage is supposed to be content neutral. We have standards that are not being met on school property including size and material. This loophole to allow the signs that are actually third party non-governmental organizations such as nonprofits that are doing this and they are not merely regulating size and location that the zoning ordinance is supposed to do, they are also regulating content and that is her chief objection, because if we are going to be content neutral everywhere else in the county then we cannot allow third party organizations to decide what may or may not be erected on school property in terms of content, and they are in fact doing that right now. Ms. Robertson said so there is no regulation on those signs? Ms. Colbert said not that she sees it based on how the language of the UDO is currently presented.
- Ms. Colbert said it would be good to have the consultants to give us a better way of dealing with this. Ms. Cousino asked is the concern solely the school district or any governmental sign. Ms. Colbert said she is talking specifically about the governmental signs as an exempt sign and then how that governmental sign is declined, the definition needs to be tightened up. Ms. Cousino said if we add school district to the definition, then it would be exempt because governmental signs are exempt from regulations. Ms. Colbert said we need some language to make it clear so they cannot continue to do what they are doing. Chair Spoon said rather than trying to fix the document we could point to the specific issue and allow the commissioners to produce a fix if it is adequately supported. The mission would be to prevent school systems from posting unregulated advertising signs.

Motion made by Ms. Colbert that there be consideration in section 4.7.4 and 17.2 to have language preventing the school district to have unregulated signs, seconded by Ms. Robertson. There was a vote and passed 5-3, opposed by Chair Spoon, Mr. Smith, and Mr. Andrews.

- Chair Spoon said there was some concerns about Chapter 5.4.4 Sliding Scale Density.
- Chair Spoon said the consultants provided a few options, but feels we are not prepared for that discussion at this point, but we do need to make a motion that the sliding scale density needs to be looked into thoroughly to figure out whether or not that is the right fit or if it is unnecessary it seems both punitive to large landowners and easily circumventable. Mr. Frazier said he raised questions about this and it looks like the consultants are trying to figure this out and is in favor of it. Chair Spoon said he is okay with removing the sliding scale density, but as long as the commissioners and the consultants are looking at it more thoroughly, we could make a motion.

Motion made by Mr. Frazier to consider a more intensive look into the sliding scale density whether it meets the needs, seconded by Mr. Andrews. There was a vote and passed 8-0, unanimously.

- Chair Spoon said there was some concerns about Chapter 6.1.3, Minimum Amount of Open Space Required.
- Chair Spoon said the table on page 272 which is attached to 6.1.3.D. this is an incentive for providing additional open space. Chair Spoon said he feels this needs a lot more consideration, for one we need a fundamental understanding how this additional dwelling unit per acre works, whether or not it is based on net or gross.

Motion made by Chair Spoon for section 6.1.3.D. the incentive for providing additional open space and the table in section 6.1.3-3 both need to be included on the intensive consideration list, seconded by Mr. Frazier. There was a vote and passed 8-0, unanimously.

- Chair Spoon said there was some concern in Chapter 6.1.5 F.4 Additional Areas Counted as Open Spaces.
- Ms. Robertson said this section has to do with the incentive for wildlife corridors and we need to be conserving natural resources and this is a basic part of that and we should remove the incentive. Ms. Robertson said according to the County Attorney we may not require wildlife corridors, but if it is a possibility she would like to require it. Chair Spoon said that would be an enhancement of wildlife corridors, and Mr. Andrews had a different concern.
- Mr. Andrews said his concern is the riparian buffers, 10% can be counted towards open space and is too restrictive of a number. The American Planning Association provided as a source says 50% to 100% is the industry average counted towards open space. Chair Spoon said we will need two different motions because this is addressing two different concerns.
- Ms. Colbert said in that section on riparian buffers in subparagraph A, to 10% open space requirement, but in subparagraph B it says, "however, any riparian buffer area used to meet the required minimum lot area on an adjacent lot shall not be counted towards the open space. We are not asking to amend that in any way, correct? Mr. Andrews said that is correct. Chair Spoon said we have spent a lot of time discussing this specific topic. When we had originally adopted the conservation subdivision ordinance, we started receiving applications that we felt were poor designs for the conservation subdivisions because there were lots that consisted almost entirely of riparian buffer areas, and because of how the conservation subdivision rules were operating, at that point, they could count 100% of the riparian buffers towards their open space requirements. There was a lot of pushback to that and our text amendment change was going from 100% to 0%. We gave a presentation to the commissioners and they asked why not 50% or 30%. Chair Spoon said 100% was not working and anything less than 100% would be an improvement. The commissioners chose to go with 0% counted towards open space. Now, in the UDO we have 10% is allotted to count towards open space. Mr. Frazier said the big difference is we have much larger set asides now required than we did before and that was natural space or an incentive. This is natural space and does the buffers count as natural space. Mr. Frazier said he had run some figures trying to figure all of this out. It is not just the riparian buffers, but also the tree save areas and also the perimeter buffers. Mr. Frazier explained to the Board the different scenarios he provided and how the tree save areas, buffers, and lot counts were different.
- Mr. Sullivan said that it is based on the current R1 zoning, but after the UDO is implemented and the rezoning is completed, there will not be much of R1 zoning left.

- Ms. Colbert said the section that addresses the riparian buffers is in 6.1.5.F.4.a. and is that inclusion a change to the ordinance? Mr. Frazier said it is a suggestion that we change the ordinance to allow more of the riparian buffers and perimeter buffers to be counted towards open space.

Motion made by Mr. Andrews to consider in section 6.1.5.F.4.a. an increase from 10% and allow more of the riparian buffers and perimeter buffers to be counted towards open space, seconded by Mr. Frazier. There was a vote and passed 6-2, opposed by Ms. Colbert and Ms. Robertson.

- Ms. Robertson said in section 6.1.5.A.4. Incentive for Wildlife Corridors. This is providing an incentive for wildlife corridors and feels that they should be protected by default. “Where all undisturbed natural area and development is connected by a wildlife corridor at least 50 feet in width and the wildlife corridor connects to a natural area on at least one adjacent lot, the total amount of open space required may be reduced by 5%.” Ms. Robertson suggested to remove the incentive because that should be required, 5% is not very incentivizing and it probably will not happen anyway and we need to be protecting wildlife borders by default.

Motion made by Ms. Robertson to change the incentive of the 5% open space in section 6.1.5.A.4., by preserving wildlife corridors to be a requirement, seconded by Mr. Smith. There was vote and passed 7-1, opposed by Mr. Frazier.

- Chair Spoon said there was some concern about Chapter 6.4.4. Permanent Protection.
- Ms. Colbert said in section 6.4.4. permanent protection required, strengthened by adding a paragraph and language that the Planning department has the authority for civil enforcement of open space and conservation easement conditions with cross reference to Chapter 15 Enforcement. Mr. Frazier said later on in this section of the UDO it talks about conveying it either to a Land Trust or to a public agency and it is not clear if the Planning department has lead civil enforcement if a Land Trust or a public agency has it. Chair Spoon said it looks like we would have a potential standing issue since that is a private agreement between a conservation entity and homeowners, whether or not we would even have the ability to step in the middle of that. Ms. Colbert said to keep in mind the enforcement goes back to the owner of the property. Mr. Sullivan said the open space is going to be typically owned by the HOA and the enforcement would come for the HOA or their management company. Ms. Colbert said if a HOA is in violation of overuse of the open space then the county would be able to do that civil, is that correct? Mr. Sullivan said yes, but it depends going back to the question of is it a permanent conservation use, or part of the US Corps of Engineers permitting process, or to a Land Trust, then we could end up in some legal issues. Mr. Frazier said the language in section C.2. says conveyance of the conservation and open space to a third-party organization, that implies that they are the owners.
- Ms. Colbert said her concern is whether we can give the county an administrative tool to ensure that these designated open spaces and conservation areas are not being used in violation of the county standards. If example, if it is being used for an activity that is not permitted under the county zoning ordinances, then we can strengthen the county’s ability to ensure that there is some administrative mechanism to enforce short of going to suit with a third party. Ms. Cousino said in Chapter 15 the enforcement chapter addressed Ms. Colbert’s concern, it lists all different kinds of violations, but really any violation of the UDO requirement is something that the county could enforce through the enforcement procedures and penalties that are in that chapter. It does include some of the citations. Mr. Sullivan said we would need to be careful because it says, “it shall be permanently protected through deep restrictions, covenants, easements, and other legal instruments.” Mr. Sullivan said we would need to restructure this to say we are not allowing third party entities to retain these, they are solely the responsibility of Chatham County, but we have to be very clear what a violation is. That might defeat the purpose of having a conservation goal of having 20,000 acres of property in permanent conservation easements by 2040. Mr. Sullivan said the violation has to be extremely

clear. Ms. Colbert said that is the clarification she is seeking, where we have overlapping authorities where one set of things relate to these third parties and another that is actually a violation of the zoning use. There was some Board discussion of different examples of violations that an HOA could have and the possible enforcement by the county.

- Ms. Colbert said sometimes after the approvals the HOA convert the use from an approved use to a prohibited use, these are things that happen and she is trying to identify and highlight some of these problems. Anytime there is an HOA and is responsible for maintaining these open spaces which are tax exempt, and the trade off is there are only supposed to be used for certain purposes, including recreation. Ms. Colbert said she is looking for a direct connection to this idea that the county still has the right to enforce an open space in terms of making sure that it is used only for approved purposes.

Motion made by Ms. Colbert to ensure the county has the enforcement mechanisms necessary to protect open spaces in perpetuity, seconded by Mr. Frazier. There was a vote and passed 8-0, unanimously.

- Chair Spoon said there was some concerns in Chapter 6.1.5.D.4. In lieu of dedication Recreation Areas.
- Ms. Colbert said, “in lieu of dedicating recreation areas, the developer may pay a fee to the county. The fee is equivalent to the post development tax value of the area of land required to be dedicated pursuant to 6.1.5.D.2., above. In order to serve the public recreation needs of more than one development or subdivision, the county shall establish recreation services districts and fees paid in lieu of dedication hereunder shall be expended for acquisition or development of recreation or park facilities or areas.” Ms. Colbert said her suggestion is to increase the in-lieu payment, recreational space is subdivisions to 125% of value to capture the increased cost to the county acquisition and administration of recreational space not included in development. This would serve as a deterrent to transferring administration costs to the county that would otherwise be borne by the development.
- Mr. Andrews said post development tax value is a sizable increase. Ms. Colbert said yes, but that includes the funds necessary to actually develop the property, but it is not being developed, it is just in-lieu payment development costs back to the county for administrative and the overhead cost associated with that. This allows them to skip out on all the value, but that is not comparing apples to apples, in terms of value because the county still has to find, acquire, and everything that it takes to create additional space at the county’s own expense to create the same value, and that is where the gap is. Ms. Colbert suggests 25% is the overhead for the county to assume those responsibilities because that is exactly what this is suggesting that happens, and it needs to discourage unnecessary in-lieu payments where the in fact the developer has a better alternative to simply provide it. When we are talking about multi neighborhood acquisitions that is going to be a lot of work onto the county that the taxpayers will have to fund just to reach parity on the value.
- Mr. Frazier said in section 5, it says the county may require payment of the annual fee if they do not want transfer of the land and it seems if it is the county’s option to demand the in-lieu payment they should not be able to demand 125%. If it is the developers option, maybe 125%, if it is the county’s option just the in-lieu fee. Mr. Andrews said the way he reads this is if a developer has to reserve an acre for recreation area and it is post development tax value, that could be a sizable number as far as what the developer is thinking. It would be better to have the county spend that money in a way that they seem fit, rather than have some cheap playground that is not going to be maintained. Mr. Andrews is okay with the way it reads right now. Chair Spoon asked Mr. Andrews would this end up disincentivizing developers to make the payment in-lieu because it is too high and they would just build a cheap open space? Mr. Andrews said yes, and the county may require payment of the fee in lieu of dedication.
- Mr. Sullivan gave a brief explanation of how this works and said the county does not calculate the fee on a project by project basis, it is based on districts. Currently, there is an east and west district, the western

district is \$548 and the eastern district is \$926 per lot. Every subdivision that comes in major or minor, the developer writes a check and give it to staff before the plat is signed and released, if they do not write the check then the plat is not released. That fee can be increased, there is a state statutory limitation on our ability to use those funds, we can only use it for property acquisitions. Mr. Sullivan said for the first time we have a subdivision Savannah Ridge where we will be accepting property in lieu of the payment to be used for the Parks and Recreation trails master plan. Ms. Colbert asked what is the cap on what the county can charge in terms of in-lieu. Mr. Sullivan said we would need to run the numbers but they could be considerably higher and they could be evaluated.

- Ms. Colbert said she has a follow question for the consultants because she is looking at section D.4. and D.5. as being independent of each other in terms of what is obligated there. In lieu of dedicating the recreation areas, the developer may pay a fee and in section 5, the county has a separate independent item, they may require payment in-lieu. Are they interdependent or not? Ms. Cousino said this is existing language and will defer to staff. Mr. Sullivan said in section D.2. the developer must dedicate and convey to the county the type of recreation areas most likely to be appropriate for the community consistent with the county parks and recreation master plan. That is an overriding piece, but really it is a negotiation.
- Ms. Colbert said now that we have the clarification, the independent operation of section D.4. and D.5., and they are not independent. The fee is equivalent to the post development tax value of the area land required. Ms. Colbert said she had suggested 125%, not just with the value to account for the additional costs of the county accepting that in-lieu. It seems if the county is accepting the fee up to the amount of the value, then it does not account for the additional expenses that the developer ought to be doing.

Motion made by Ms. Colbert to raise the amount collectable for payment in-lieu to an amount greater than 100% of the value of the land. These was not a second to the motion and there was no vote.

- Chair Spoon said there was some concern about Chapter 12.1.9 Notice Provisions.
- Chair Spoon said this is mostly a copy and paste from the state requirements. Ms. Colbert said he suggestion is to strengthen notices provisions to encourage expanded use of social media and other web-based communication, and additional signage, to augment state-mandated methods that are functionally obsolete and to increase notice requirements to 500 feet. During the last meeting staff was asked if we could go beyond the minimum requirements from the state and the answer was yes. Ms. Robertson said this makes a lot of sense and there is a lot of different social media platforms we could use to give notice and the community would be appreciative of that. Ms. Colbert asked staff if there was anything preventing the county from giving notice up to 500 feet. Mr. Sullivan said we have a robust postage budget. Mr. Frazier said the 500 feet perimeter is a good idea and more signs on a site as well. Ms. Robertson said we ran into this with the Summit Church rezoning and a lot of people were upset about not knowing about it.

Motion made by Ms. Colbert to recommend strengthening notice provisions to encourage use of social media and other web-based communication, and additional signage to augment state mandated methods that are functionally obsolete and increase notice to 500 feet, seconded by Ms. Robertson. There was a vote and passed 8-0, unanimously.

- Chair Spoon said that was everything on the list of concerns and asked if anyone else had any other concerns they would like to address.

- Mr. Frazier said to allow footpaths to be established in riparian areas and along streams without the usual 30' required setback of stream banks so long they are: 1. Are landward of the crest of the stream bank. 2. Are no greater than 4' wide. 3. Are restricted to foot traffic. 4. Do not require cutting any tree larger than 1" diameter. 5. Do not involve the removal of any stump or other land disturbing activity. 6. Have no impervious surfaces. Ms. Robertson said she had spoken to the chair of Environmental Review Advisory Committee (ERAC) because she did not feel comfortable about this and the chair agreed. There are harms with placing a footpath along the stream and is opposed to that recommendation. Chair Spoon said he will vote in line with ERAC recommendation on that as well. Mr. Frazier said when the ERAC chair spoke it is not clear if she were serious when she said she could stop leading hikes along trails that do not meet those standards because people do it all the time and it is hard to take her concern seriously.
- Mr. Frazier said the Division of Water Quality recommends not having trails within 30' area, the directive from the Department of Water Quality says some very interesting things. It says why is it important to keep greenway and hiking trails out of zone one within 30' of the riparian buffer. It says removing trees and root systems in zone one negatively impacts these important functions especially stream bank stability. Mr. Frazier said his suggestion will not remove any tree larger than 1" in diameter and forbids stump grinding so there will not be any impact to the stream bank stability, in fact compaction happens from foot traffic and would make the stream bank more stable. What people do with the foot traffic is very small compared to what the stream does, but just walking has very little effect. Ms. Robertson said it is not just the stream, but also the habitat as a whole. Ms. Colbert said the two concerns she has is do we have some reasons for doing this basically to prevent misuse in other ways, to codify something through the UDO that allows for something very minimal because people tend to follow near the water anyway. The larger concern is whether or not we want to be putting something in the UDO that somewhat contradicts other guidance that has been given. Those are the two concerns and will this prevent further deterioration by establishing these trails and how do we deal with the issue that we seem to be contradicting other agencies or other opinions. Mr. Smith said if we do place the path 30' from the water, people will leave the path to go near the water to walk anyway. Mr. Frazier said the advantage of putting it in is it provides an option for developers to do something that might benefit the people who are going to live in that subdivision.

Motion made by Mr. Frazier to allow footpaths to be established in riparian areas and along streams without the usual 30' required setback of stream banks so long they are: 1. Are landward of the crest of the stream bank. 2. Are no greater than 4' wide. 3. Are restricted to foot traffic. 4. Do not require cutting any tree larger than 1" diameter. 5. Do not involve the removal of any stump or other land disturbing activity. 6. Have no impervious surfaces, seconded by Mr. Mayer. There was a vote and passed 5-3, opposed by Chair Spoon, Ms. Robertson, and Mr. Mayer.

- Chair Spoon asked again if there were any other concerns before we make a recommendation to approve the UDO.
- Mr. Andrews said he needed clarification on the recommendation, there is a lot in here that he likes and in agreement with most everything that was discussed this evening, but overall, he is going to have some personal recommendations to the commissioner that represents District 5 and because Mr. Andrews represents District 5 and there are some specifics where that district might be treated differently and has some concerns to share with the commissioner. Mr. Andrews said he will vote for approval of the UDO but wants to know he will still have a voice. Chair Spoon said yes, when the commissioners receive this list of

everything we have provided that we feel need more consideration they will most likely reach out to each of us for more clarification.

- Chair Spoon said we are considering this UDO as a whole, is this good for Chatham County, is this better than what we currently have in place, was it a good attempt at bringing Plan Chatham into existence by codifying it, which Chair Spoon feels was done. This is what we will be voting on.
- Ms. Robertson said she would be submitting something on her behalf to the Commissioners as a citizen outside of her role on the Planning Board and staff said that was appropriate. Mr. Andrews asked if it was okay to make suggestions as a Planning Board members. Ms. Colbert said she objects to that, because our rules and procedure say we can talk to the Commissioners it is supposed to be the Board to the Commissioners, either through a vote or through communication from the Chair or Vice-Chair. The objection comes from as a Planning Board we speak as one voice in terms of what we vote on and what our recommendations are. There is nothing at all wrong with any of us as individuals contacting the commissioner that appointed us, but our role here is to be a deliberative body and to make recommendations as a deliberative body. We have a list of recommendations along with votes for them. However, we have the right as a citizen to let the Commissioners know how we feel as individuals. Mr. Andrews said the alternative would be to vote against this and provide a minority report as a Planning Board member.
- Chair Spoon said that is your decision, but overall if you feel this is a good step and it is better than what we have in place and a good attempt at bringing Plan Chatham, the hope is to recommend approval, we do need to speak as one voice as a Board. On the list of our concerns, they are spectrum issues and we are at different places and we are providing that list that needs further consideration and thought. Ms. Colbert said she is looking for a recommendation for achievable in principle to adopt the UDO subject to the Board of Commissioners consideration of additional text corrections, changes, amendments, and technical recommendations. There are other things the Commissioners need to take a look at and make final decisions.
- Vice-Chair Roodkowsky said she likes the way Chair Spoon and Ms. Colbert are framing it in terms of bringing us closer to making Plan Chatham whole. Vice-Chair Roodkowsky said she feels comfortable with people submitting concerns individually, but adopting the UDO unanimously sends a strong message that this is a really good document and brings us closer to what we need to be in Chatham County.

Motion made by Ms. Colbert to recommend Planning Board approval in principle for the adoption of the Unified Development Ordinance subject to the Board of Commissioners consideration of additional text corrections, changes, amendments, and technical recommendations attached in the list. The motion was seconded by Mr. Frazier. There was a vote and the UDO was recommended for approval by 7-1, opposed by Mr. smith.

Motion made by Chair Spoon that the Unified Development Ordinance is consistent with the 10 goals set out in Plan Chatham, seconded by Vice-Chair Roodkowsky. There was a vote and the consistency statement was approved 7-1, opposed by Mr. smith.

- Ms. Colbert asked if Mr. Smith was interested in providing a minority report. Mr. Smith said there were still a few issues within the document that does not maintain the rural character, there are conditional things that was never addressed, the county is going to grow, but it needs to grow in a wiser fashion.
- Chair Spoon thanked the consultant group for all the long hours and months working on this document, to the Planning staff, to Mr. Mullis as the Project Manager. Vice-Chair Roodkowsky thanked Chair Spoon for

spearheading the review of the entire document. Ms. Robertson said it has been an honor to be a part of this Board that was around when this county did all of this work.

VII. ADJOURNMENT:

With no future business, motion made by Vice-Chair Roodkowsky to adjourn the special meeting, seconded by Ms. Robertson and the meeting was adjourned with a vote of 8-0 at 9:43p.m.

Signed: _____ / _____
Jon Spoon, Chair Date

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