

CHATHAM COUNTY PLANNING BOARD
MINUTES
Monday, November 3, 2008

The Chatham County Planning Board met in regular session on the above date in the auditorium of the Agriculture Extension Building in Pittsboro, North Carolina. A quorum was present to begin the meeting. The members present were as follows:

Present:

Warren Glick, Vice-Chair
B. J. Copeland
Karl Ernst
Barbara Ford
Judy Harrelson
Jim Hinkley
David Klarmann
Susan Levy
Peter Theye
Delcenia Turner

Absent

Sally Kost, Chair

Planning Department:

Keith Megginson, Planning Director
Jason Sullivan, Assistant Planning Director
Benjamin Howell, Planner
Lynn Richardson, Subdivision Administrator
Angela Birchett, Zoning Administrator
Kay Everage, Clerk to the Board

Other

Jep Rose
Acting County Attorney

- I. CALL TO ORDER: Warren Glick, Vice-Chair called the meeting to order at 6:30 p.m.
- II. APPROVAL OF AGENDA: Mr. Hinkley made a motion; seconded by Mr. Klarman to approve tonight's agenda as submitted. There was no discussion and the motion passed unanimously.
- III. CONSENT AGENDA: Mr. Hinkley made a motion; seconded by Ms. Harrelson to approve the consent agenda as submitted. Discussion followed regarding Windfall Creek as noted below under Item B.
 - A. Minutes: Consideration of a request for approval of the October 7, 2008 Planning Board minutes. There was no discussion on this item.
 - B. Final Plat Approval: Request by Contentnea Creek Development Company for subdivision final plat approval of Windfall Creek, Phase VI, consisting of 13 lots on 77.59 acres, located off Big Woods Road, SR-1716, New Hope Township. See discussion below.

Discussion:

Mr. Theye inquired if there had been any erosion control notice of violations [NOV's] or any violations from NCDWQ issued on the Windfall Creek subdivision site.

John Harris, P.E., Consulting Engineer, Inc., was present representing the applicant. Mr. Harris stated that there were some violations early on (approximately 3 – 4 years ago); that there hasn't been any since then; that there has been a new contractor hired; and that all required permits are currently in place (i.e. 401 permits, NCDWQ).

There was no further discussion and the motion to approve the consent agenda as submitted passed unanimously.

End Consent Agenda

IV. PUBLIC INPUT SESSION: Fifteen-minute time of public input for issues **not on agenda**. Speakers limited to three minutes each.

There were no requests to speak at this time.

V. EXTENSION OF PRELIMINARY PLAT EXPIRATION:

A. Request by James E. Dixon for a one-year extension of preliminary plat approval for Fieldstone Subdivision to extend final plat submittal deadline from April 15, 2009 to April 15, 2010.

Patrick Byker, real estate lawyer, was present representing the applicant. Mr. Byker distributed a map showing rock areas on the proposed property (circled in red) and four (4) pictures of some of those large rocks. (Copies are filed in the Planning Department.) Mr. Byker stated that the most important reason for the one year extension request is to continue being a good neighbor to the Persimmon Hill neighborhood along the western boundary of the proposed property; and that the extension would allow additional time to explore the possibility to avoid blasting.

Some specifics were noted by Board members and addressed by Mr. Byker as follows:

- Stream designations – Is there a stream that crosses the property and does it change from perennial to intermittent?

Mr. Byker stated that the stream crosses the property north-south but does not cross the area that has been subdivided.

- Wetlands – Was the one [not deemed jurisdictional] wetland not important enough to put a road through?

Mr. Byker stated that there were flagged areas designated to protect lands toward Persimmon Hill and that approximately 1/10th of an acre was surprisingly found where the main road comes in off of Mann's Chapel.

- Fractured rock

Mr. Byker reiterated that there is a lot of rock on the property.

- Seeps / springs

Mr. Byker stated that he was only aware of one area - (southwest corner).

Ms. Ford, who is a resident of Persimmon Hill, stated that she and Chair Kost recently visited the site during the time when the weather was extremely dry; that

other times the area has been found to be fairly wet; and that there are culverts under her road because of this wetland area that was not deemed to be substantial by the Corps of Engineers.

- Revisit site

It was suggested that Fred Royal, Director Environmental Resources revisit the site to confirm delineations made by Corp of Engineer and NCDWQ are in line.

***Possibly add this as a condition

- No blasting considered if extension approved

Mr. Byker stated that everything possible would be done to avoid blasting – to possibly pull cul-de-sacs in towards the main road in order to avoid the red circles indicated on the hand-out referenced above.

- Completion of roads / controlled basins, i.e. Erosion Control Plan

Jim Hodgkin, Mr. Dixon's associate, stated that control basins are in along roads and cul-de-sacs; that all roads are not completed but are in process; that fencing is up; that seeding has been inspected; and that Jim Willis, Soil Erosion & Sedimentation Control Inspector, has been pleased with the project.

- Position of road possibly moved

Mr. Byker stated that the two (2) cul-de-sacs would be reduced in length (avoiding rock) by 250' and 150' respectively. He noted that the road is already in place through the wetland area.

James Dixon, applicant, stated that all permits have been received; and that the cul-de-sac situation is due to the large rocks on the property.

- Why one (1) year extension to move cul-de-sacs forward

Mr. Byker stated that some lot lines would probably have to be reconfigured; and that NCDOT and septic permits have not been obtained.

- Reconfiguration of lot lines / State maintained roads

Ms. Richardson stated that unless the road design changes significantly there should not be much reconfiguration of lot lines; and that there would not be a need to resubmit for preliminary plat approval. Mr. Theye asked that the record show that he is not asking the applicant to resubmit for preliminary plat approval. Ms. Richardson noted that roads within the development would be State maintained.

Motion to approve

Mr. Hinkley made a motion; seconded by Ms Levy to grant approval of a one year extension of preliminary plat approval to extend the expiration date from **April 15, 2009 to April 15, 2010**, as requested and as recommended by staff. There was no further discussion and the motion for extension approval passed unanimously.

VI. ZONING AND ORDINANCE AMENDMENTS: *[Items from 10-20-08 Public Hearing.]*

- A. Request for text amendments to the Chatham County Zoning Ordinance to provide the following new zoning districts: Neighborhood Business, Community Business, Regional Business, and Agricultural. Amendments also include the creation of a Table of Permitted Uses, revisions to Home Occupations that include reductions in accessory building sizes, environmental standards, and landscaping and buffering requirements for all non-residential developments.

Mr. Megginson stated that tonight's agenda notes address the major changes; but that the redline version of the Zoning Ordinance (included in tonight's agenda packet) lists various other proposed revisions.

Ordinance review followed with specifics noted:

Section 10.1 – (Page 27) AG Agricultural District

- Home Occupation issue a concern of landowners
- 5% or five acres maximum non-agricultural land requirement may not be enough for smaller farmers (delete 5%)
- Omit this section or retain at this time (i.e. concerns with not fulfilling the position of reworking the Ordinance)
- Farm Protection Plan – concerns of interfering with the development of this plan
- Permitted Uses – need more consideration

Motion to retain AG District - failed

Mr. Theye made a motion to maintain the AG Agricultural District (Section 10.1) in the Zoning Ordinance as is; but to alter the 5% or five (5) acres maximum non-agricultural land requirement to five (5) acres or less. Mr. Hinkley seconded the motion (he stated for discussion purposes). Mr. Hinkley stated that we need to define the size of the farm if there is to be a five (5) acre maximum. Mr. Klarmann voiced concern that we are not aware of the property owners and the uses of their land. Ms. Levy stated that it was her understanding that there was limited input to the subcommittee from the farming community during the recent community meetings. Mr. Theye stated that citizens need to be involved; that there was ample opportunity in the process for citizens to be involved; and that all meetings were well publicized. Mr. Glick stated that the farming community attended only one (1) meeting.

The motion failed 3-7 with Theye, Hinkley, and Glick voting in favor of the motion; and all other Board members voting against.

Motion to delete AG District - passed

Mr. Copeland made a motion; seconded by Mr. Klarmann to delete the AG Agricultural District (Section 10.1) from the Zoning Ordinance for the present time. There was no discussion and the motion passed 7-3 with all Board members voting in favor of the motion; except Theye, Hinkley, and Glick voting against the motion.

10.13 Table 1: - (Page 38) Zoning Table of Permitted Uses

Mr. Megginson stated that numerous changes were made in the table of uses; and that all light industrial uses are now permitted within the heavy industrial district.

- Concerns regarding the Matrix table

Mr. Ernst: Page 38, "Assembly of ammunition, for small arms only, from previously prepared parts (only permitted in IL and IH) – wording needs to be specific throughout
Page 45, "Laboratories", "Medical clinics" (included in B-1 but not O&I)
Page 46, "Motorcycle sales & service" – consider as use in other districts
Page 47, "Public and private recreation camps & grounds" (only allowed as CU in R5, R2, and R1) – consider as use in other districts

Motion to accept Matrix as proposed - passed

Mr. Hinkley made a motion; seconded by Mr. Theye to accept the Matrix table as presented in tonight's document. Discussion followed. Mr. Klarmann asked if it would be possible to make amendments to the various zoning districts (within the Matrix) as reviewed tonight. Mr. Glick stated that a document is needed at this time to forward to the Commissioners; but that revisions could be proposed in the future. Mr. Megginson stated that staff reviewed the various proposed district uses and generally thought that the proposed Matrix would work. The motion passed 9-1 with all Board members voting in favor of the motion; except Mr. Ernst who voted against.

Section 11.3 - (Page 51) Environmental Assessment

Mr. Ernst voiced concern regarding the wording (noted in bold / underline below):

"An Environmental Assessment shall be required **for any proposed non-residential project** of two contiguous areas or more in extent". He stated that all projects should be reviewed for environmental concerns.

Mr. Megginson stated that after review by the County Attorney's office most of the language previously left in the document by the consultants was deleted. Jep Rose, Acting County Attorney, stated that the deleted language was not appropriate to be in a Zoning Ordinance. Discussion followed regarding "Environmental Assessment" and "Environmental Impact Statement" being two separate entities. Mr. Megginson noted that an erosion control plan is required if an acre or more of land is disturbed and that the Corps of Engineers regulate wetlands.

George Lucier, Chatham County Commissioner, was present. Commissioner Lucier stated that the Commissioners asked the Environmental Review Board [ERB] to focus on the Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance and advise them on matters of environmental issues; that the Commissioners asked the Planning Board to look at the Subdivision Regulations and Zoning Ordinance; that part of this was to divide responsibility; that it is his understanding that the environmental assessment itself is not a regulation but a discussion point; that the regulatory aspects are in the performance standards, i.e. steep slopes and etc.; and that the environmental assessment helps guide the development by providing a discussion point about what potential environmental impacts may result and what the developer is proposing to mitigate relative to those potentials.

Section 12 - (Page 53) Landscaping and Buffering Standards

Mr. Megginson stated that this section was revised to clarify inconsistencies between the Appearance Commission guidelines and the Ordinance text, i.e. buffer type.

Section 16 – (Page 81) Home Occupations; 6.1 Neighborhood Home Occupations #6. “Accessory buildings may be used for home occupations provided the building area is not larger than ~~750~~ 1,000 square feet. If multiple buildings are used, the total combined square footage shall not exceed ~~750~~ 1,000 square feet”.

Mr. Megginson stated that staff recommends increasing the maximum allowed accessory building for a neighborhood home occupation to conform to the size of the allowed accessory dwelling unit of 1,000 square feet instead of 750.

Section 17.5 – (Page 85) Specific Conditions for Conditional Uses Listed in Residential Districts; C. Planned Residential Development; #6. ~~Special Design Requirements for Group Developments within Planned Residential Developments.~~

- Delete #6 as proposed

Section 21 – (Page 99) Penalty For Violations

Mr. Megginson stated that Ms. Birchett reviewed this section and made some revisions; but that generally the substance was unchanged.

- Adequate penalty fines

Mr. Ernst noted concern regarding, “if the property is in violation”, i.e. owners responsible. Ms. Birchett explained that if the violation is not brought into compliance the civil penalty (in that same amount) continues to accumulate daily; that when the property is brought into compliance then that portion is closed; but that if another violation is created within this length of time the penalty is increased to the next amount (\$100.00 / day) and so on. She noted that there are other mechanisms in the ordinance that allows for further actions, i.e. stop work order, order of abatement.

This completed review of major changes by staff. Board members noted the following:

**Section 7. – (Page 10) Definitions
(Pages 16, 17, 18, and 19) - Sexually Oriented Business**

Mr. Hinkley asked why this definition was so over defined. Mr. Megginson stated that this was pulled from another ordinance because it is a complicated part of the Law that the APA has an entire book on. He noted that Jason Sullivan previously worked in a jurisdiction that had to address this issue because of the interstate highway that went through the area and the various businesses.

**Section 4 – (Page 4) Districts Established - NB Neighborhood Business District
and - CB Community Business District**

Ms. Harrelson noted that revisions for NB are 65,000 sq. ft. (from 40,000 sq. ft. for entire area) without limiting the number of buildings. Mr. Megginson stated that 65,000 was used in one place of the ordinance and 40,000 was used in another;

that staff was unsure which was to be used; that staff thought it needed to be definable since originally stated that the district was meant to serve a small retail market roughly equivalent to 40,000 square feet; that another place in the ordinance stated that it was not to exceed 65,000; that it was more clear to staff to have the “not to exceed” number; but that language “not to exceed” could be revised to read 40,000 sq. ft. Mr. Sullivan stated that page 33 (Section 10.6 NB – Neighborhood Business District) of the Zoning Ordinance revisions explains this and states, “*The ground floor, interior footprint of any single use, single occupant structure in this district shall not exceed 65,000 square feet*”.

Recommendation:

Mr. Hinkley recommended that we stay with the original recommendation that the Zoning Subcommittee gave of 40,000 sq. ft. Discussion followed. Ms. Ford asked if the square footage numbers were the same as referenced in the Major Corridor Ordinance. Mr. Howell noted that the Major Corridor Ordinance states 65,000 sq. ft.

Motion:

Ms. Harrelson made a motion; seconded by Mr. Copeland, that the Zoning Ordinance be modified to match the same square footage included in the Major Corridor Ordinance (affecting items on pages 4, 33, and 34 of the Zoning Ordinance revisions), i.e. NB = 65,000 with a maximum of 160,000 sq. ft. total; and CB= 80,000 with a maximum of 320,000 sq. ft. total. The motion passed unanimously.

Section 21 – (Page 99) Penalty for Violations - revisited.

Mr. Ernst inquired if fining the property needs legal clarification. Attorney Rose stated that the property owner would be in violation.

Motion to forward Zoning Ordinance revisions to Commissioners:

Mr. Hinkley made a motion; seconded by Mr. Copeland, to recommend to the Board of County Commissioners the Zoning Ordinance (as modified tonight by the Planning Board). There was no further discussion and the motion passed unanimously.

- B. Request for text amendments to the Chatham County Subdivision Regulations to amend the major subdivision process from three steps to four steps. The four steps are concept plan, first plat, construction plan, and final plat. The major subdivision process is proposed to include a community meeting, review by the Planning Board, Environmental Review Board, Appearance Commission, and School Board and the incorporation of environmental standards for development. The amendments also include a voluntary conservation subdivision option to allow for open space conservation and density bonuses, road network connectivity standards, viewshed and buffering standards, and increasing the percentage of work that must be completed before acceptance of a financial guarantee.

Mr. Megginson stated that there were no staff notes on this item; that there were numerous changes throughout the ordinance; that some of the environmental language was deleted; and that time limits were addressed relative to action by the Planning Board and/or Commissioners.

Proposed revisions to the Subdivision Regulations were reviewed and some specifics are noted as follows:

Section 7.3 – (Page 45) Blocks A. Length

Mr. Klarmann voiced concern regarding the block lengths, i.e. density requirements, septic and etc. Mr. Glick noted that this issue was discussed previously; that we do not live in a “city environment”; that he is unsure about this issue as well as the issue of connectivity (in a more rural environment); that these requirements would put a burden on developers; and that this would destroy some of the characteristics of Chatham County that we want to maintain. Mr. Copeland stated that the Board discussed this recently and it was agreed at that time that this would not be required if there was less than one house per acre. Mr. Hinkley stated that these blocks are highly recommended and work very well.

Commissioner Lucier:

Commissioner Lucier stated that these issues are very important; that the plans are for the Commissioners to review the proposals during the next scheduled Commissioner’s meeting November 17, 2008 during the work session beginning at 1:00 p.m.; that if review is not completed at that time a special meeting would be held on November 24th for completion; and that Planning Board members are invited to attend the meetings. Mr. Glick thanked Commissioner Lucier for his input tonight. At this time, Commissioner Lucier left the meeting.

Motion: *See vote on motion below.

Ms. Harrelson made a motion; to amend Section 7.3 A. Length; and to delete requirements for densities less than 2 dwelling units per acre (as referenced in the chart as 2+ units/acre; 1+ units/acre; and less than 1 unit/acre). Mr. Hinkley seconded the motion. Discussion followed. Mr. Ernst reiterated his concern that language “be clear”.

Amend motion:

Mr. Ernst amended the motion to revise some remaining language in the table as follows: 8+ to read greater than 8 units, and
 3+ to read 3 to 8 units.

The motion to amend passed unanimously.

*The above motion by Ms Harrelson to amend Section 7.3 A. (including amendment to the motion) passed unanimously.

Ms. Harrelson noted the following:

Page 0 be renumbered as **Page 1**

Section 1.14 (Page 3) Prohibited Acts, Enforcement, and Penalties;

Page 4, G. Language proposed for deletion reads: “The County may withhold approval of a First Plat for up to five years after the completion of the timber harvest if the land to be subdivided was willfully timbered without regard to the County’s development regulations. In situations where the property was unknowingly timbered in violation of development regulations, the County may withhold approval for no more than three (3) years after the completion of the timber harvest”.

Ms. Harrelson questioned why this was deleted since some Board members had previously agreed that this language should be included in the Zoning Ordinance; and noted that she would like this language reinstated. Mr. Megginson stated that staff could not easily see how this would be enforceable. Board discussion followed.

Motion to reinstate Section 1.14 G.

Ms. Harrelson made a motion; seconded by Mr. Hinkley to reinstate Section 1.14, G. as referenced above. There was no further discussion and the motion passed 8-2-0 with all Board members voting in favor of the motion; except Ernst and Klarmann who voted against.

Section 5 – (Page 22) Procedure for Subdivisions, 5.2 Major Subdivisions

B. Concept Plan, #4. “Mandatory Meeting with Neighbors/Community – This is to offer an open dialogue between *applicant and neighbors* for better communication.....”

- Change wording to read “applicant and neighbors/community”
- Add a #C. to state, “Post on the Chatham County Website”.

(Page 26) C., First Plat (2) - Notice of Review

- add language, “Post on the Chatham County Website”.

Mr. Klarmann was concerned with potential problems getting citizens to respond who do not live in the particular area. Discussion followed regarding where the notice should be posted on the website. It was noted that the regular format (where other Planning subdivision/zoning issues are posted) would be sufficient. Mr. Megginson stated that Mr. Sullivan could create a “Community Meetings” section on the website for such postings.

Motion:

Ms. Harrelson made a motion; seconded by Ms. Ford, to add additional language that states to, “Post on the Chatham County Website” (Planning Department format, under “Community Meetings”) to the two sections noted above (item #C. under B. 4 on page 22; and C. (2) on page 26). There was no further discussion and the motion passed 8-2 with all Board members voting in favor of the motion; except Turner and Klarmann who voted against.

Section 6.2 – (Page 36) A. Impact Assessment, (1) Environmental

Ms. Harrelson referenced second paragraph that states, “The environmental impact assessment shall follow the guidelines established by the County”. She stated that presently there are no guidelines for Subdivision Regulations. It was noted that Fred Royal, Director Environmental Resources is currently preparing these guidelines.

- It was the consensus of the majority of the Board that this language remains in the ordinance.

7.1 – (Page 41) Suitability of the Land; A. Land Physically Unsuitable for Subdivision

a. “Other public agencies concerned have investigated and found in the best interest of the public not suitable for the type of platting and development proposed.....” Ms. Harrelson inquired if this statement refers to *any* public

agency, i.e. Environmental Review Board, Fred Royal's department. Discussion followed regarding unsuitable lands for development, i.e. land subject to flood and erosion.

- It was the consensus of the majority of the Board that this section needs some legal review.
- Last paragraph that reads, "~~New development should also connect to the county water system or municipal equivalent where available. If irrigation systems are to be included, they should use non-public water, treated wastewater or have the ability to be converted to recycled wastewater when it becomes available~~". Some Board members agreed that this paragraph should not appear in this section (as recommended by staff) but that it should possibly be applied to another section of this ordinance or in the Design Guidelines.

7.7 – (Page 53) Conservation Subdivision – alternative Standards for Development; B. Composition of Conservation Space: "A maximum of 20% of the required Conservation Space shall be Open Space and a minimum of 80% of such Conservation Space shall be Natural Space, unless it can be demonstrated that no practical alternative exists for preserving that amount of Natural Space. See The Chatham County Conservation Subdivision Guidelines for Conservation Space Selection".

Ms. Harrelson stated concern regarding some of the changes that had been made from the previous proposed revisions; that the reason "Conservation Subdivision was originally included in the regulations was to make it an incentive for developers; that these changes make it too restrictive and would discourage developers from pursuing it as an option; that the subcommittee spent much time on this item; and that the conclusion was as it originally written, i.e. draft September 2008. Mr. Megginson explained that the Planning Department did not make the changes; that the County hired environmental consultants to work with Fred Royal and the ERB to address this issue; and that these are their proposed revisions.

Motion

Following discussion regarding open / natural space and possibly meeting with subcommittee members to discuss this issue; Mr. Copeland made a motion; seconded by Ms. Harrelson to remove proposed wording in the entire Section 7.7 and **replace with the previous wording of the original version (drafted September 2008)**; and that Ms. Harrelson to provide this revised language. There was no discussion and the motion passed 9-0-1 with all Board members voting in favor of the motion; except Mr. Ernst who abstained.

Section 5 (Page 21) Procedure for Subdivisions; 5.2 Major Subdivision,

B. Concept Plan, Figure 1: Concept Plan Process that states, "Developers are encouraged to be innovative with their design ~~and go beyond minimum regulations for~~ to ensure safe and orderly growth by advocating more traditional and sustainable planning and development practices".

- Wording, "more traditional" was discussed.

Motion

Mr. Theye made a motion; seconded by Ms. Ford to **delete the wording "more traditional and"** due to incompatibility with the word "innovative". There was no

further discussion and the motion passed 8-2 with all Board members voting in favor of the motion; except Mr. Ernst and Mr. Klarmann who voted against.

Section 7.3 Blocks; B. Connectivity and C. Required Intersection to Road Segment Ratio, (1) Street Network

Mr. Glick raised argument that these sections were too restrictive in a rural, suburban county if we wish to maintain that nature. Considerable discussion ensued.

- Wording, “connectivity”, and “Rural Tier” discussed.

Motion

Mr. Copeland made a motion; seconded by Mr. Ernst to **remove Section 7.3 B. and 7.3 C.; and to change number 7.3 D. to 7.3 B.** There was no further discussion and the motion passed unanimously.

- Typo: Mr. Hinkley noted that the word cul-de-sac at top of Page 46 should read, “culs-de-sac”.

Motion to forward Subdivision Regulations to Commissioners

Mr. Copeland made a motion; seconded by Ms. Turner to accept the regulations as modified; and to forward the revised regulations to the Commissioners. There was no discussion and the motion passed 9-1 with all Board members voting in favor of the motion; except Mr. Ernst who voted against.

- C. Request for text amendments to the Chatham County Watershed Protection Ordinance to provide increases in density to accommodate conservation subdivision density bonuses in the Chatham County Subdivision Regulations.

Recess as Planning Board:

Ms. Harrelson made a motion; seconded by Ms. Ford to recess as the Planning Board. There was no discussion and the motion passed unanimously.

Reconvene as Watershed Review Board:

Ms. Harrelson made a motion; seconded by Ms. Ford to reconvene as the Watershed Review Board. There was no discussion and the motion passed unanimously.

Mr. Megginson stated that in order to get the additional density for the conservation subdivision provisions were made in the Watershed Protection Ordinance; that there were some districts that this could not be done, i.e. WSII in the University Lake watershed area and the Rocky River Critical Area (CA); that language noted in red in tonight’s Attachment #5 makes amendments allowing for those additional densities.

Board discussion followed. Ms. Harrelson voiced concern regarding language (beginning next to last page of Attachment #5 and ending on last page) that states, “(a) Single Family Residential-development shall not exceed one (1) dwelling unit per acre, as defined o a project by project basis, except within conservation subdivisions that shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. She noted that a developer may chose to cluster houses on a smaller area. Mr. Megginson explained that the overall density for the project

is a 15% increase. Ms. Turner was concerned with the above language, shall not exceed one (1) dwelling unit per acre. She stated that she understood this was changed to allow three (3) dwelling units per acre (in the Zoning Ordinance. Mr. Megginson explained that this was changed only in the conservation subdivision of the Subdivision Regulations; and that he does not recall this being changed in the Zoning Ordinance. Mr. Sullivan noted one change in the Zoning Ordinance (Page 27) that allows conservation subdivisions to occur; but that he does not recall any changes to allow three (3) dwelling units per acre.

Motion to forward Watershed Protection Ordinance to Commissioners

Mr. Copeland made a motion; seconded by Mr. Theye to approve the Watershed Protection Ordinance as modified and to forward the revised ordinance to the Commissioners. There was no further discussion and the motion passed unanimously.

Adjourn as Watershed Review Board

Mr. Copeland made a motion; seconded by Mr. Hinkley to adjourn as the Watershed Review Board. The motion passed unanimously.

Reconvene as Planning Board

Ms. Harrelson made a motion; seconded by Ms. Levy to reconvene as the Planning Board. The motion passed unanimously.

Items for 11-17-08 Public Hearing: Mr. Megginson stated that the following issues (Items D – H) are scheduled for the upcoming public hearing November 17, 2008; and that information material was distributed to Board members earlier tonight.

- D. Request by Michael Foley to rezone approximately 48 acres, Parcel No. 60167, located between US 1, Moncure School Rd., and the Pittsboro Moncure Rd., Haw River Township, from RA-40 (residential/agricultural) to B-1 Business.
- E. Request by Belmeade Farms, LLC to rezone approximately 194 acres, consisting of multiple parcel numbers located within the zoned portions of the subdivision plat for Belmeade Farms from RA-40 (residential/agricultural) to Conditional Use O & I (office and institutional) for a cemetery and memorial gardens, Center Township.
- F. Request by Belmeade Farms, LLC for a conditional use permit for a cemetery and memorial gardens area as well as associated and ancillary structures and uses located on approximately 194 acres, Center Township.
- G. Request by LIR, LLC for a Conditional Use B-1 permit on an existing Conditional Use B-1 District portion of Parcel No. 17707, located at 10544 US 64 E, on approximately 1 acre for an eating and drinking establishment in connection with the 1.147 portion currently zoned B-1 Business, New Hope Township.
- H. Request by Carolina Utility & Grading located at 2835 Farrington Point Rd., Parcel No. 76255, for a revision to the existing conditional use permit to add the selling of retail materials used by the applicant and to include the rental of contractor equipment to the general public, located on approximately 14 acres, Williams Township.

VII. OLD BUSINESS:

There were no issues discussed.

VIII. NEW BUSINESS:

A. Planning Director's Report

1. Department Budget Discussion

Mr. Megginson stated that the Board previously asked that the Planning Department budget be reviewed in October; that time did not permit this during last month's Planning Board meeting; that the Commissioners have asked that each department cut their budget by 4% for the balance of this year; that this would probably be continued into the next year; and that the department is open to suggestions about projects that Board members may want to see done.

Mr. Hinkley asked that a copy of the Planning Department budget be furnished Board members. Mr. Hinkley recalled a meeting on the budget last year that was held at Central Carolina Community College (CCCC) here in Pittsboro.

Mr. Ernst left the meeting as this time.

2. Major Issues – Projects Identified

Mr. Megginson stated that the Commissioners asked staff for a list of major issues that are forthcoming, i.e. zoning the entire county, redoing the Land Development Plan (approximately \$150,000 item if done correctly).

3. Joint Cary Land Plan

Mr. Megginson stated that the Commissioners asked to review a copy of the water quality monitoring for different land uses and densities; that the report has been submitted to Cary; that their staff is now going through the technical aspects of the report; that it will be revised and copies provided Cary Town Board and Chatham County Commissioners; and that the actual moratorium for annexation would expire December of this year.

B. Planning Board Members Items

1. Design Guidelines

Ms. Harrelson noted that throughout these guidelines "preliminary" is referenced and should be changed to match wording in the Subdivision Regulations.

2. Final Plat Approval - Violations

Mr. Theye stated that he is finding throughout the county (with new development) that after final plat has been approved the development is still in violation of the 401 Permits, and stream crossings; that he recently visited the Parks & Meadowview site and found that the culvert is sitting above grade; that he spoke with DWQ regarding this and it was discovered that they had never signed off on the stream crossing still in violation; that DWQ regulations state in their construction standards that culverts would be removed if they are installed improperly; that Westfall is in violation of their 401 Permit (entrance and at another crossing); that all culverts at Briar Chapel are not installed properly (above stream bed); that ERB is looking into this huge issue but DWQ is not

following through; that if a development is under notice of violation or is not meeting construction standards final plat should not be approved; and that there is a cumulative impact here that we need to be aware of.

- IX. ADJOURMENT: There being no further business, Ms. Levy made a motion; seconded by Ms. Ford to adjourn the meeting. There was no further discussion and the motion to adjourn passed unanimously.

The meeting adjourned at 10:10 p.m.

Warren Glick, Vice-Chair

Date

Attest: _____
Kay Everage, Clerk to the Board

Date