



Chatham County, NC

Meeting Minutes

Board of Commissioners

Wednesday, December 8, 2021

9:00 AM

Historic Courthouse Courtroom

Special Meeting

Rollcall

Present: 5 - Chair Mike Dasher, Vice Chair Diana Hales, Commissioner Franklin Gomez Flores, Commissioner Jim Crawford and Vice Chair Karen Howard

CALL TO ORDER

Chair Dasher called the meeting to order at 9:07 am.

BOARD PRIORITIES

[21-4101](#)

Vote on a Request to approve an appropriation of \$260,000 for the FY23 Human Services Nonprofit Allocation funding process and to approve the continuation of the FY22 Board of Commissioner's Goal and Outcomes for the FY23 Human Services Nonprofit Allocation funding process.

Attachments: [12.20.21 BOC Presentation Nonprofit Appropriation Request](#)

Community Partners Analyst, Hilary Pollan, reviewed the specifics of the request.

Vice Chair Hales said she believed the goals and outcomes were still in line with where the Board wanted to go.

Commissioner Howard asked for a reminder of what the new mechanism was going forward. Bryan Thompson said the Board would look at the year increase of property value. If the value increased by four percent an increase at the base would be \$250. Commissioner Crawford said it would be a wise change that allowed the process to continue unless a future Board made a policy change. Commissioner Howard stated it would be less arbitrary and staff could better anticipate for budgeting purposes.

Dan LaMontagne said this would be Ms. Pollan's last Board meeting. She would go on to exciting things. He thanked her of all that she has done, especially with the creation and growth of this position.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford, and Vice Chair Howard

[21-4116](#)

Receive presentation on Chatham County Unified Development

Ordinance Process

Attachments: [CCNC Focus Group - BOC \(12-7-21\)](#)

Chance Mullis introduced the item.

Consultants for the Unified Development Ordinance (UDO), White and Smith, LLC and Nealon Planning, LLC gave an update on the development codes rewrite project.

Tyson Smith, Project Manager, gave a presentation to the Board. (Presentation attached)

Mr. Smith said it was a long two-year project and it was important the consultants were on the same page with the Board. He reviewed the members of the project team, and they gave self-introductions. Kelly Cousino, Planning and Codes Manager was a certified planner. Sean Scoopmire was a Planning and Legal Associate. Mark White, Firm Principal of White and Smith, LLC was part of the planning and law group. Justin Wallace with Planning and Design was an urban design specialist and architect.

Holly Miller introduced herself and her two team members to the Board. Ms. Miller was a professional engineer and certified floodplain manager for Tetra Tech. She was a certified professional erosion and sediment control specialist that would work with watershed planning and erosion control. Her teammate Jonathan Smith was a Water Resources Engineer that would work with storm water regulations and control measures. Bobby Tucker was a Water Resources Engineer that would work with on-site wastewater and agriculture. Tetra Tech has 450 offices across the country.

Jeff Green was a planner and attorney for Clearing and Associates. This planning firm was out of Colorado and Southern Village that assisted with zoning code rewrites across the country. Craig Richardson was a planner and attorney, and Addie Sherman would be helping with graphics.

Ben Hitchings introduced himself as the Principal of Green Heron Planning. Mr. Hitchings was an Adjunct faculty member at the University of North Carolina (UNC) with thirty years of planning experience. He helped write the Compact Communities Ordinance many years ago for Chatham County.

Meg Nealon introduced herself as the translator of the policy. Ms. Nealon would help stakeholders stay focused on an implementation tool and how to move the county forward. She was a planner and landscape architect.

Mr. Smith reviewed the project's scope of work and estimated timeline.

Mr. Green gave the Board a tour of the new website set up for the "Recode Chatham" project at www.recodechathamnc.org.

Commissioner Howard said there would be opportunities for input from boards and committees and not just individual opinions but from established stakeholder groups. Mr. Smith stated there was a committee staff liaison with every advisory committee. The liaison would communicate with Mr. Mullis and he would give the consultants directions. Mr. Smith said if residents had questions or comments they should be directed to Mr. Mullis.

Chair Dasher said it would be most helpful to keep discussion fairly open and start with discussion of individual Commissioner's goals for the UDO. Vice Chair Hales said she wanted to go through the points the consultant has presented. Chair Dasher said the

first point was goal oriented: the top three Plan Chatham recommendations the Commissioners would like to see implemented in the UDO.

Vice Chair Hales said her top recommendations were preservation of rural character through preservation of farmland, affordable housing in subdivisions, and connectivity of parks and trails as a long-term goal.

Commissioner Crawford said preservation of rural character could not happen without a clear understanding of the level of density and where the development should go. He said a focus on efforts on the 15-501 corridor would help the Board to move outward to other areas in the county. He thought the next areas of development would be US Highway 1 and Siler City with the Randolph mega-site.

Commissioner Howard said this was where different opinions were present on the Board. She did not want to treat the 15-501 corridor from Pittsboro and Chapel Hill to be where all growth occurred. The notion that the county cannot have growth and preserve the rural character was something that should be thrown out. She believed the nodes identified for growth were important and should remain the focus for areas of growth.

Affordable Housing across the income spectrum that met the changing demands of the community should also be located in areas with easy access to healthy green environments.

Commissioner Gomez Flores said he represented the southwest district and liked the concept of preservation and conservation but there was great criticism from his community. Some individuals wanted to rezone from agriculture to commercial or industrial zoning. Residents who have been here for generations have land they wanted to develop because they no longer wanted to farm. He would like to see developers focus on conservation through recreation in their projects.

Chair Dasher believed there was a disagreement about what the current map represented. He had always thought of the nodes on the 15-501 corridor as areas for dense, mixed-use development. If certain kinds of development were not allowed, then there would not be the affordability the Board desired to see. This was where wealthy people lived and worked outside, and working-class people came here to work and had to live outside the county. His overall goals for the UDO were flexibility and simplicity. This would be less prescriptive than planning regulations tended to be. Commissioner Howard stated the notion of real flexibility was a little scary to her. The cost of land in the northeast had a lot to do with the price of homes. The Board needed to consider affordable housing in parts of the county with more affordable land. Chair Dasher said land was expensive in northeast Chatham because single family dwellings on one acre were all that was allowed. He said from a regulatory standpoint land would be made less expensive and housing more affordable.

Commissioner Crawford said staff would approve, planning board would reject, and the BOC would be left in a mess. Commissioner Gomez Flores said there was a difference between what staff would do and what the planning board would do. He asked what the point of the Planning Board would be if they always went along with staff.

Vice Chair Hales said the cumulative impacts were already known as climate change continued. There would be more rain events, which added to runoff. That could be an issue when development was approved project by project. Stormwater and buffers were always important to her.

Commissioner Howard said she hoped everyone would think through mobility, equity, and affordable housing. These were obscure now but were going to matter in the long run.

Chair Dasher said in relation to Vice Chair Hales' comments on stormwater, the Board heard from the public a lot about the issue and were concerned with new developments. There was an assumption on the Board that there were no regulations and review procedures in place to deal with those things. Vice Chair Hales said Chatham's stormwater team was doing a fabulous job, but they were dealing with a lot of problems. Chair Dasher asked if there were stormwater devices that were not managing. Vice Chair Hales said that was the question. She said a code was needed that would drive the county for some time in the future. The implications of high storm events will be felt more in the future. Jordan Lake nutrients and drinking water supply needed to be investigated. Jeremiah Avenue had consistent flooding due to Jordan Lake and the Army engineer fixed it. Chair Dasher said to start the framework as strictly as the state law allowed, but if there were an increase in buffers, he would be all for it. Commissioner Crawford said this was about policy and where the Board could exercise power. He said Mr. Hagemann had talked to the planning board about their worries around growth and what was legal.

Commissioner Howard asked Mr. Smith if he had gotten enough input on the Board's top three areas of concern for the UDO. Mr. Smith said yes, this was a good discussion, and these were the kinds of debates policy boards had.

Chair Dasher said if there were more things the Board could make into administrative decisions it would be helpful. Vice Chair Hales said that was the function of open government. Chair Dasher stated not when the Board had no legal basis to deny an application. He said that was not open. Vice Chair Hales stated that was why the Board was going through this process and looked at all the rules. She said the rules had been patched together over time. Commissioner Crawford said the planning board had one recommendation and the staff had another and members of the board pursued that as an action of the board. Vice Chair Hales said to pursue information, thank you. Commissioner Crawford said conversations between board members was vote whipping. Vice Chair Hales said she disagreed. Commissioner Crawford said you may have disagreed. Commissioner Howard said the Board needed to get back to the topic at hand.

Commissioner Gomez Flores said he wanted to know what developers thought the process and plan for the area were before making a decision. He feared in the future that land brokers would purchase land, get an amendment to get in a node, and then sell it and drive up the price. Commissioner Howard stated flexibility and the need for really clear guidance of policy that was predictable caused tension. The Board was asked to make a decision about a future project without understanding the impact. She said plans change and get modified, but making a decision on a vague application was the concern. Commissioner Gomez Flores said he does not like to hear a developer say we are not required to provide that information and his response would be I am not required to approve. Chair Dasher felt there was a time for approval of a project and approval of the rezoning was not that time. The UDO would help with possible outcomes and the developer was not required to provide full scale construction drawings. This would add to the cost and the time frame and there would be a time for that later in the process.

Commissioner Gomez Flores said he would be curious if the Board could have a

mechanism to identify land to conserve that would connect parks with trails. Chair Dasher agreed. Vice Chair Hales said discussions should be had about required conservation.

Mr. Smith stated the Board was concerned about rural preservation and where the growth would go. Commissioner Crawford asked if the Board could have a moratorium on subdivisions until the UDO was adopted. Mr. Hagemann said the statutes cannot have a moratorium for the purpose of adoption.

Commissioner Crawford said it sounded similar to the process for the fracking moratorium.

Vice Chair Hales said she did not know if the BOC needed to give input on criteria, but to leave that to staff. Chair Dasher said he thought it was sometimes unclear even for staff. Mr. Smith asked if there were any areas that came to mind. Vice Chair Hales said it would go back to the subdivision approval legal requirements. Chair Dasher said Chatham was not unique, but there were incredibly complicated rules and oftentimes unnecessarily so. He said developers could be painted into a corner unnecessarily because they are just trying to make money like every person in every other job. Most applicants were not large-scale developers. Commissioner Howard said the sad reality was if the rules are righted for Joe Good Guy, it would leave the county wide open for the sophisticated developer out to maximize personal investment. This was not always the best outcome for everyone else and there had to be a way that worked for both.

Mr. Smith said there were thresholds of requirements for different levels of development. Vice Chair Hales said the planning department was the best source of information for this.

Mr. Smith said there were bigger policy questions. He asked if part of the challenge to put some of those to rest so the Board was not revisiting the policy decisions every time an application came forward. The Board agreed with that assessment.

Mr. Smith asked how much time the Board should spend on county buildout density thresholds. Commissioner Gomez Flores asked if incentives could be provided for developers that went above and beyond.

Chair Dasher stated he thought there was a need for areas that would allow for much more density than one home per acre. Vice Chair Hales asked if other planning departments were using an R-1 designation or was there a shift to another designation. Mr. Smith said R-1 still had a strong presence but there was some blending happening. There were a few jurisdictions he had worked with where that was not wanted at all. There was more mixed-use interest.

Vice Chair Hales said there may need to be designated areas of the county with different zoning designations for multi-family. Chair Dasher said maybe one structure per acre instead of one home so a duplex or triplex would qualify.

Mr. Smith asked to what degree was consistency with the Comp Plan a point of discussion when the BOC considered approval. Chair Dasher said it was the first and last thing he thought about. Mr. Smith asked if there would be more of a review or response to whether or not it complied with the Comp Plan values.

Commissioner Howard stated it did not need to be used to reject, but a guide for

discussion. Chair Dasher said there was no reason for review if there was not a policy goal it achieved.

Vice Chair Hales stated there would always be a need for transportation improvements and Transportation Impact Analyses TIAs are required for a certain number of lots. She would like to see a lower threshold. Chair Dasher said there was nothing the board could do about traffic. North Carolina Department of Transportation NCDOT told the county what was needed. He said the Board did not have the authority to do anything with the TIA report.

Vice Chair Hales said wastewater treatment was a huge issue in Chatham. She would like the issue to be investigated and what expectations and options were available. She asked if there was such a thing as an agricultural subdivision. Mr. Smith said yes, large lot subdivisions.

Vice Chair Hales said tree protection should be a new development standard. She asked if counties could regulate tree protection. Mr. Hagemann would check recent legislation.

Mr. Smith asked what the Board would like to see next from the consultants. There would be an audit of what they heard and a draft of how to move forward. He asked if there were any decisions brought up to the Board that with the appropriate measures and standards in place could be handled by planning board or planning staff.

Commissioner Howard said the commissioners would have to look at this individually. Chair Dasher said maybe a minor or major subdivision was not just based on a number of lots but other factors as well.

RECESS

COMMISSIONERS' REPORTS

Commissioner Crawford announced his resignation effective December 31, 2021.

Commissioner Gomez Flores asked Mr. Hagemann about Senate Bill 473 on government transparency. Mr. Hagemann said it had not yet been signed by the governor. Any commissioner serving on a nonprofit board would have to disclose and recuse. Mr. Hagemann and Ms. Ray would make sure to help the Board. Ms. Ray would contact the commissioners to get their information.

Commissioner Gomez Flores said he attended a Board of Health (BOH) meeting where he asked Anne Lowry about special legislation to help with wastewater. She suggested contracting with a third party to provide input to the state and the county.

ADJOURNMENT

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, that this be adjourned. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford, and Vice Chair Howard