



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, October 7, 2024

2:30 PM

Historic Courthouse Courtroom

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#### Work Session - 2:30 PM - Historic Courthouse Courtroom

**Present:** 5 - Chair Mike Dasher, Vice Chair Karen Howard, Commissioner David Delaney, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

#### **ADJUSTMENTS AND APPROVAL OF WORK SESSION AGENDA**

A motion was made by Vice Chair Howard, seconded by Commissioner Delaney, that the work session agenda be approved. The motion carried by the following vote:

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

#### **PUBLIC COMMENT SESSION**

*Peter Falotico*

*My name is Peter Falotico. I am a ten year resident of Chatham County and homeowner at 45 Post Oak Road in Chapel Hill. Please consider the enormous traffic congestion problems which will arise from the rezoning proposal of parcels 18750, 18896 and 18897. The proposal does not consider the 15-501 corridor for EMS, Police and Fire departments to respond quickly to a crisis when traffic is blocking 15-501 between Vickers Road and Lystra Road. If the parking lots are full and vehicles park on the shoulders of the road on 15-501 where would vehicles yield to if emergency services needed to get through? There are many local communities which currently rely on emergency services in this area. In addition, several communities are under construction or have been approved for construction. There are several sports fields in the area where parents and children need to know their loved ones will get prompt emergency services. All current and future residents must have quick access to emergency services. Have you ever been in traffic when emergency services try to get through? Every second counts in an emergency. Are there any reports from local EMS, Fire department, Chatham County Police or N.C. State Troopers about this rezoning proposal? I am not in favor of this rezoning congestion nightmare. Thank you for your time.*

#### **BOARD PRIORITIES**

[24-5560](#)

Receive an update on the TriRiver potential merger

**Attachments:** [Water Districts Overview](#)

*County Manager Dan LaMontagne presented an overview of the water districts.*

*LaMontagne stated that the Northwest, Southwest, and Southeast Water Districts were established by resolution pursuant to § 162A-86 on April 5, 2004. The Board of Commissioners adopted resolutions calling for elections on the question of whether to issue bonds to pay the capital costs of providing water facilities in these three districts. Residents were canvassed in a special election on July 20, 2004, on the question.*

*LaMontagne stated Southwest and Southeast Chatham Water Districts voted yes to the question, and Northwest Water District voted no. Sitting as the governing body of the Southwest and Southeast Water Districts, the Board of Commissioners recognized the election results and moved forward with authorization and issuance of bonds pursuant to the Local Government Bond Act. Using the general obligation bonds as a security for the Southwest and Southeast Water Districts, loan funds were gained by United States Department of Agriculture-Rural Development to build water infrastructure.*

*LaMontagne stated that the debt for Southeast Water District remains outstanding. Each Water District remains as a legally recognized entity since they were created by resolution which will need to be dissolved. The Board of Commissioners will need to sit as the board of each Water District to vote on the Tri-River merger. Each will be named in the agreement to convey infrastructure.*

*The Board of Commissioners thanked LaMontagne for the presentation and update and discussed the districts.*

#### [24-5561](#)

Receive a presentation on the Draft Recode Chatham Unified Development Ordinance (UDO)

**Attachments:** [CCNC Final UDO Review 2024.10 \(2\)](#)

*Chatham County Planning Staff and consultants reviewed the Final Draft of the Unified Development Ordinance with the Board of Commissioners.*

*After an extensive conversation, the Board of Commissioners asked that staff and the consultants to bring the item back to the October 21st meeting with more information.*

### **End of Work Session**

### **RECESS**

*The Board of Commissioners recessed until the 6:00pm session.*

### **Regular Session - 6:00 PM - Historic Courthouse Courtroom**

**Present:** 5 - Chair Mike Dasher, Vice Chair Karen Howard, Commissioner David Delaney, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

### **CALL TO ORDER**

### **INVOCATION and PLEDGE OF ALLEGIANCE**

*Chair Dasher asked for a moment of silence and then lead the Pledge of Allegiance.*

## **ADJUSTMENTS AND APPROVAL OF REGULAR SESSION AGENDA**

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that the regular session agenda was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

## **APPROVAL OF CONSENT AGENDA**

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that the consent agenda was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

### **24-5534**

Vote to reappoint Zachary Brian, DMD, MHA, FICD, FACD to fill a second (2nd) term on the Board of Health as a dentist member, effective October 21, 2024

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that the reappointment of Zachary Brian, DMD, MHA, FICD, FACD to fill a second (2nd) term on the Board of Health as a dentist member, effective October 21, 2024 was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

### **24-5564**

Vote to reappoint Jenny Williams as Chatham County Tax Collector and Tax Assessor for a term of four years

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to reappoint Jenny Williams as Chatham County Tax Collector and Tax Assessor for a term of four years was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

### **24-5563**

Vote to reappoint Larry Miller to the ABC Board with a term expiring June 30, 2027

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that this reappoint Larry Miller to the ABC Board with a term expiring June 30, 2027 was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

### **24-5545**

Vote to accept up to \$78,000.00 in Medicaid funding for Community Alternatives Program for Disabled Adults (CAP/DA) equipment, home modifications and technology

**Attachments:**     [CAP DA Medicaid Policy Modifications](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to accept up to \$78,000.00 in Medicaid funding for Community Alternatives Program for Disabled Adults (CAP/DA) equipment, home modifications and technology was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

[24-5556](#)

Vote to accept \$8,000 in Ann Wolfe mini grant funds through the NC Public Health Association for healthy homes supplies

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to accept \$8,000 in Ann Wolfe mini grant funds through the NC Public Health Association for healthy homes supplies was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

[24-5557](#)

Vote to accept \$10,000 from NC DHHS's Farmworker Influenza and COVID-19 Funding Opportunity

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to accept \$10,000 from NC DHHS's Farmworker Influenza and COVID-19 Funding Opportunity was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

[24-5544](#)

Vote to approve the Debt Write-off for the Chatham County Public Health Department (\$23,331.47 for the period of July 1, 2022, through June 30, 2023)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, approving the Debt Write-off for the Chatham County Public Health Department (\$23,331.47 for the period of July 1, 2022, through June 30, 2023) was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

[24-5549](#)

Vote to approve a lease with the State of North Carolina for space at county owned radio tower sites

**Attachments:**     [19-LL-13 ACQ Lease DPS VIPER - Chatham](#)

[19-LL-13 MOL DPS VIPER - Chatham](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that a lease with the State of North Carolina for space at county owned radio tower sites was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

[24-5551](#)

Vote to approve a Pyrotechnics Display at the Bennett Baptist Church, 68 E. Bonlee Street, Bennett, NC 27208, on October 26, 2024

**Attachments:**    [Attachment A-N.C.G.S. Pyrotechnic Displays](#)  
[Attachment B - Pyrotechnic Display Request Bennett Baptist 2024](#)  
[Attachment C - Pyrotechnic License](#)  
[Attachment D - Wetzel Certificate of Insurance](#)  
[Attachment E - Wetzel ATF License](#)  
[Attachment F - Bennett Baptist Site Plan 2024](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that a Pyrotechnics Display at the Bennett Baptist Church, 68 E. Bonlee Street, Bennett, NC 27208, on October 26, 2024 was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

[24-5570](#)

Vote to authorize the purchase of real property on Bynum Beach Road with Parcel ID Number 0087890 for \$43,000

**Attachments:**    [Johnson Heirs Parcel Map](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, authorizing the purchase of real property on Bynum Beach Road with Parcel ID Number 0087890 for \$43,000 was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

[24-5587](#)

Vote to approve the contract with Granicus for a three-year term beginning on October 15, 2024 for website hosting

**Attachments:**    [Granicus Website Hosting Contract 2024](#)  
[Granicus Website Hosting Contract 2021](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that the contract with Granicus for a three-year term beginning on October 15, 2024 for website hosting was approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

## **End of Consent Agenda**

## **SPECIAL PRESENTATION**

[24-5573](#)

Vote to adopt a resolution supporting Domestic Violence Awareness Month in October

**Attachments:** [2024 Chatham County Board of Commissioners Resolution - Domestic Violence Awareness](#)

Commissioner Dasher read aloud a resolution supporting Domestic Violence Awareness Month in October.

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that this Resolution 24-49 supporting Domestic Violence Awareness Month in October was adopted. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan

## **PUBLIC COMMENT SESSION**

## **PUBLIC HEARINGS**

### [24-5562](#)

Hold a public hearing for the draft Unified Development Ordinance (UDO)

**Attachments:** [Draft Unified Development Ordinance Webpage](#)

Chair Dasher opened the public hearing for the draft Unified Development Ordinance.

The following individuals spoke during the public hearing:

Susie Crate

*These recommendations are prepared by Susan Crate, Professor Emeritus, Environmental Science and Policy, 235 Bynum Church Rd, Bynum. I first want to commend you on the draft UDO—but I also want to clarify important areas of the UDO that require your attention and modification in order for the realization of the priorities set out in our county's Plan Chatham Comprehensive Plan. The authors of The Architectural Heritage of Chatham County, Osborn and Selden-Sturgill, said in 1991, "It will be a tremendous challenge to Chatham County to maintain its tranquil rural landscape, historic farm complexes, and agrarian lifeways into the twenty first century" Indeed. The challenge the authors describe includes both the protection of our rich natural environment and of our deep cultural history. Today I am focusing on our county's rich natural environment, which provides us invaluable ecosystem services, a central foundation of which are trees. Trees produce oxygen, improve air quality, ameliorate the climate, conserve water, preserve soil, maintain landscape structure, supporting wildlife, and much, much more. We are the second fastest growing county in NC. This is not news to most of you. But this growth does not automatically mean reduction of tree cover IF we craft regulations correctly. First and foremost, we need expertise. Would you get in an airplane without a trained pilot flying the plane? This is analogous to enforcing regulations about tree protections without a specialist, a certified tree arborist, to guide those regulations. The current draft designates responsibility to untrained administrators and staff. Think of how many trees we have in our county—surely we can find the resources to bring on an expert to help us maintain all those trees. Secondly, only native plants should be used for replacement plantings to perpetuate our regional ecosystem heritage and to avoid invasives. We have a vast and diverse flora here in the Piedmont of North Carolina. One of the best ways to replace lost tree, shrub and pasture natives is with other plants native to our region. They are adapted to this ecosystem, to its extremes of temperatures and water availability. Natives require less maintenance. Secondly, the UDO plant list includes invasives—these are plants introduced from other places that spread quickly and*

crowd out our native flora—for example, *Koeleruteria paniculata*, or Golden Raintree, which is especially invasive in the Mid-Atlantic and Southeast regions. It spreads quickly and forms thickets that displace native plants. It produces many seeds that germinate easily, its seeds and fruit can be spread by water and animals and it can sprout from its root system. There are other such examples of invasives on the plant list. For example, *Syringa reticulata* or Japanese Tree Lilac. Again, if we had a certified arborist on staff, this kind of oversight would not have happened. Thirdly, in Chapter 6.3.5.D "Removal of Trees"—this section on Administrative Approval includes far too many loopholes for developers that will result in nullifying the Tree Save Area efforts in place. This needs to be revised accordingly. The draft UDO also needs reassessment and redrafting in the sections on water protection and stormwater management. Climate change is and will continue to transform how water comes to us via increasingly violent storms that wash away entire areas. Our hearts go out to residents in the mountains—and let us also take warning that this is a possible scenario for us—and let us prepare for it! To those ends: first and foremost, change the standards for stormwater management and sediment control to meet at least the 50 year/24 hour storm, instead of the 25 year/24 hour storm (Stormwater Management Chapter 9.2.6.); additionally, revise the steep slope rules in section 8.5 to protect streams from erosion (Chapter 8.5 Water Protection); encourage or require developers to use management practices that result in less water running off site there are a set of recommendations for this called infiltrative stormwater management practices (Chapter 8.4 Water Protection).

Elaine Chiosso

Chapter 5.4.2 Conservation Subdivisions: 1. ERAC suggests that new major subdivisions proposed for designated conservation lands, as shown in Chatham County's Future Land Use and Conservation Map, should be submitted as Conservation Subdivisions. 2. ERAC recommends 50% total open space in Conservation Subdivisions instead of 45% as required for all major subdivisions. (5.4.2. C.1) 3. ERAC recommends that 100% of the Natural Area in a Conservation Subdivision shall be a contiguous area unless conservation goals would be best met by conserving more than one space. Wildlife corridor connections should be expected, without incentives given (6.1.A.4.a), and no incentives should be given for trail building in riparian buffers. (6.1.5.A.5) 4. We disagree that the ecological evaluation for conservation space should be prepared by the developer instead of the state Natural Heritage Program. Who would review it? [6.1.7 (A) Footnote 389] Chapter 6.3 Tree Protection: 1. ERAC strongly recommends that a full time Tree Arborist with ISA (International Society of Arboriculture) certification be hired to oversee the Tree Protection regulations in the UDO. The Tree Protection Working Group included a draft job description for this in their report to you. We believe this is absolutely critical to the success of the Tree Protection rules. The current draft puts this responsibility on the Zoning Administrator, and other unnamed staff, who would not have the necessary expertise for this role. 2. The Appendix A Plant List referenced in the Tree Protection rules includes many non-native (exotic) species. Only native plants for the NC Piedmont should be used to replace trees in forests that are cut down, or for new plantings to create forests. See the native plant list provided by the Tree Protection Working Group. 3. Preservation of specimen and heritage trees in a new development should be required, instead of giving the developer a 10% density bonus. These large trees take many human lifetimes to grow and should be preserved for future generations. (6.3.4) 4. ERAC supports the Tree Protection Working Group recommendation that 60% of trees be saved in the R5 river corridor zone to protect water quality. (Table 6.3.3-1) 6. "Removal of Trees" can be approved for various purposes that are so broad, they defeat the goals of Tree Protection. Even worse, it says "not limited" to these factors, which provides a very large loophole for developers.

*We should not override the tremendous benefits that forests provide for climate, wildlife and people's health. (6.3.5.D) 7. Only pedestrian trails, not bicycle trails, should be allowed in the tree save areas in order to reduce impacts. (6.3.9.A) Chapter 8 Watershed Protection: 1. For the section on Density averaging (8.4.1.C.2) more watershed classes should be included, and stormwater practices should be required that promote ground infiltration instead of retention ponds. (8.4.1.C.6). 2 All activities in Table 8.4.2-2 should be prohibited in critical and protected watersheds that would place the public and ecological health at risk. 3. We recommend that bottomless culverts be used to allow for passage of fish and other aquatic life to ensure continuity in stream ecosystems. [8.6.3.B.4 (c) & 8.6.3.B.5.(a)(3)] 4. ERAC strongly recommends the addition of a Steep Slope Ordinance to direct development away from steep slopes in order to protect water quality, and environmental health and reduce flooding. (Note: A table of our full comments was sent to the Board of Commissioners on 9/30/2024 and have been attached again for the Public Hearing Comments)*

*John Graybeal*

*The Climate Change Advisory Committee (CCAC) participated in the UDO process with two of its members serving ex officio on the UDO Subcommittee. Although they commented on the UDO drafts, there remain several areas where CCAC believes changes should be made in the final draft. That is particularly true regarding the tree protection sections, which CCAC feels are quite inadequate. CCAC is completely supportive of the UDO project and is pleased to have participated in the development of the final draft. It believes that the UDO will greatly benefit the County and its citizens. 1. The Tree Protection Sections of the UDO: The "final draft" of the UDO tree protection provisions seems to be as defective as the earlier drafts in terms of protecting trees during development. Although at least two sections in this final draft are improvements from earlier drafts (noted below), there are three separate sections that undermine the tree protection goal. One provides for certain factors that would allow for up to a 5% reduction in the otherwise required scope of a TSA (tree save area) on a lot. Another lists certain conditions that could be used to argue the lot is incapable of hosting a TSA. Finally, a third is perhaps the most troublesome since it lists six factors that could be argued to justify the removal of trees from the lot, the amount not specified but perhaps all the trees. These sections of the tree protection provisions are described below along with other sections. The tree save area in zoning district R5 has been increased from 35% to 45%. Table 6.3.3-1. Looks like the TSAs in all the other districts are the same. This is a good change. The requirement that trees be planted where the existing canopy does not satisfy the TSA requirement has been increased from 27 trees per acre to 85 trees per acre. 6.3.3(B)(2). This is also a good change. But there is a section (Section 6.3.3(E) that allows for a maximum 5% reduction in the TSA based on certain conditions, e.g., if the existing area consists of a natural heritage natural area, if it consists of deciduous forest or mixed forest or if it is adjacent to a riparian area. Although these reductions themselves may not be justified, a new one has been added called "Contiguity with Existing Woodlands." There is a section that provides that "if the site conditions are not suitable for the canopy trees," the applicant may seek "alternative compliance with the TSA requirement." Section 6.3.3(B)(2)(b). Alternative compliance may consist of "meadow or aquatic plant communities." This draft now goes farther than the above and lists certain factors that "would support consideration of alternative compliance" including "topography; soil properties, such as depth and pH; mesic or xeric conditions; existing plant communities on the site; and unique microclimate conditions." We are very concerned about such a long list of "conditions" that would excuse a developer from complying with the requirement to set aside a TSA. There is also an entirely new section relating to specimen trees. Section 6.3.4. This section provides for the possibility of a "10% density bonus" where a tree separate from a TSA is a "large tree" or a "native tree."*



*There is a section titled "Administrative Approval" that originally listed seven "limited circumstances" in which TSA trees could be removed. Section 6.3.5(D): The most egregious of these was one that said trees could be removed where they would "result in unnecessary hardship to the applicant." Although that one has been removed from the final draft, one of the remaining ones is much like the one that has been deleted and the six remaining factors generally seem highly susceptible to abuse. It seems they could easily be used by a developer to remove trees with the result that the tree protection section of the final draft may be seriously damaged. These remaining six "circumstances" are: (1) if the trees hamper "connections to existing roads, trails, or utilities;" (2) if the trees interfere with "sight visibility onto existing streets;" (3) if the trees present a problem with "placement of proposed utilities on the site;" (4) if the trees cause problems with "drainage and stormwater measures;" (5) if the trees "conflict with necessary elements of the site design that unreasonably impede or diminish the objectives of the development;" (6) if an arborist certifies that the tree is diseased or that the "soil and climate are not suitable for proper growth" or that the tree is "prone to cause property damage or personal injury." While some of these provisions taken alone may seem reasonable, it is easy to see that on a particular site these elements could be combined in a way to drastically reduce or even eliminate the tree save area. The earlier draft of the tree protection provisions had a section entitled "lot trees." It provided for a minimal level of trees (five trees per acre) and perhaps applied only to lots not under construction or not planned for construction. This section about "lot trees" has been deleted and no explanation is apparent. Moreover, it would not seem that other remaining sections of the draft would cover this point. Other Sections of the Final Draft of the UDO: The Introduction Section: The list of purposes in Section 1.2 of the Introduction seems to be speaking of an earlier era since it makes no reference to any purpose of guiding development and preserving woodlands and other natural resource areas so as to mitigate the effects of adverse climate changes. The phrase "climate change" doesn't even occur in this statement of purposes. The Sections dealing with Zoning Districts and Conditional Districts 2. Section 2.3.5(E)(1) (a): this says that "buildings shall orient toward the street they face." But both here and elsewhere in the UDO where building orientation is addressed, the provision should state that "buildings shall be oriented so as to maximize their ability to take advantage of passive solar systems and rooftop solar systems." 3. Some UDO provisions apparently specify window size. Where such specifications appear, they should emphasize larger window sizes on the south-facing sides of buildings, which, as noted, should be oriented to the south in order to take advantage of passive solar systems. The Sections dealing with Development and Design Standards: 4. Sec. 4.2.4(A) and (B): These sections orient buildings to be parallel with the streets. But the orientation should, instead, require that it be so as to take advantage of passive solar and rooftop solar panels. 5. Sec. 4.2.17(A): Requirement for a solar system should apply to structures having well less than 100,000 square feet. Such a requirement should apply at least when the structure has 75,000 square feet. 6. Section 4.4.4(B): The species numbers and diversity stated in Table 4.4.4-1 comply with the recommendations of the Tree Protection Working Group, i.e., 4 species when up to 40 trees are required with 35% of a single species; 6 species when more than 40 trees are required with a minimum of 30% of a single species. 7. The parking lot map shown at section 4.4.7-1 shows far fewer trees in the lot than should be required. The requirement that each parking space be within 60 feet of a tree is inadequate. Many more trees than this should be required. Disregarding for purposes of this comment the other actual spaces described here, the map shows that this tree requirement is completely inadequate. A Section dealing with Lighting: 8. Sec. 4.5.10(E): This refers to "outdoor display area lighting," including lighting for vehicle dealership parking lots. The only requirement here is that "all fixtures shall be fully shielded." But we know that such areas are usually much more brightly lighted than they need to be and requiring them to be "fully*

shielded” may not reduce the lighting sufficiently. The requirements in this section should be stronger. Sections dealing with Parking and Loading: 9. Sec. 4.6.2(D): This section states: “All redevelopment shall comply with the standards of 4.6.6: Electric Vehicle Charging Stations, with respect to the entire existing parking lot and any new parking area, to the maximum extent practicable.” We would propose to eliminate the words, “to the maximum extent practicable.” 10. Sec. 4.6.5(J): Why should these requirements (relating to pedestrian access) only apply to parking lots that serve 200 or more cars? Why shouldn’t they also apply to much smaller parking lots? 11. Sec. 4.6.6(A): Why should these requirements (of parking spaces with electric vehicle chargers) not apply to parking lots with fewer than 50 off-street parking spaces. These will be much increased demand for electric vehicle charging spaces in the future. 12. Sec. 4.6.6(B): Table 45.6.6-1 specifies the percentage of parking spaces required to have charging facilities for electric cars. But these percentages -- 5% and 3% -- seem much too low. Some say ½ the cars sold in 2030 will be electric. Members of the Climate Committee say that Chatham Park has agreed that as much as 10% of its parking spaces shall have charging points and some have said the number of such spaces in Atlanta is 20%. 13. Sec. 4.6.8 (Vehicle Queuing): Long lines of idling vehicles especially at schools are a big source of carbon monoxide emissions. These sections do not address this problem. They simply state the number of vehicles for which queuing standards shall be applicable depending on the nature of the facility, e.g., food fast service or hospital. And the number of spaces required for a school is to be “determined by director.” Can any more be done in these sections to address the queuing problem? 14. Sec. 4.6.9 (Bicycle Parking): Climate concerns promote maximum uses of bicycles. The parking allotments here for all these uses seem small, e.g., for schools the formula is one parking facility per 15 students (or 35 students in some districts). But some members of the Climate Change Committee have attended colleges where virtually every student had a bicycle. Provision of bicycle parking is relatively inexpensive. At least these sections should state that the number of spaces should be increased in response to public demand. Sections relating to Conservation and Open Space: 15. Section 6.1.1(A): This subsection states that one of the purposes is to “[p]reserve existing vegetation and important wildlife habitat.” It should include trees by saying explicitly that a purpose is to “preserve existing trees and vegetation . . . .” 16. Section 6.1.2(A): This section omits certain categories that were included in the earlier draft distributed for UDO Subcommittee consideration. These omitted sections included: (1) “an expansion of an existing apartment complex by 10 or more dwelling units; (2) an expansion of an existing mixed use development that (a) results in an increase of 10 or more dwelling units or (b) results in an increase of 10% or more in the total gross floor area of buildings or structures located on the lot; (3) new non-residential development located on sites five acres in area or larger and (4) an addition to an existing non-residential building or structure that (a) is located on a site five acres in area or larger; and (b) results an increase of 10% or more in the total gross floor area of buildings or structures located on the lot.” Why have these subsections been deleted? 17. Table 6.1.3-1: Why has the amount of open space required in an agricultural district been reduced from 50% to 45%? 18. Sec. 6.1.5(E)(1)(d): What is the point under this option of having the developer construct a greenway but not require that it be accessible to the public? A Section relating to Infrastructure and Public Improvements. 19. Section 7.3.2(A) and (B): Why are sidewalks required in major subdivisions only when they have more than 50 lots and only when the average lot size is 1.0 acre or less? Why not require sidewalks regardless of the number of lots and regardless of the size of lots? And why are bike lanes not required in major subdivisions that have fewer than 50 lots and why are they required only on collector and arterial streets? Bike lanes should be required with all major subdivisions regardless of average lot size, and they should not be limited to collector and arterial streets. The requirements for sidewalks and bike lanes key directly to climate

concerns.

*Vickie Atkinson*

*First, thank you for the time, effort and thoughtfulness that you put into your work as county commissioners. I am deeply grateful. I especially value your role as stewards of our community now and into the future. I am here to speak in support of the UDO and that aspect of your stewardship. The UDO looks to the future of Chatham County. Because climate change is the biggest problem facing our world today and only getting worse, I view everything through that lens. Look no further than how it supercharged the hurricane in the mountains of NC. The UDO does not include everything I would like to see in it, but it makes a good start. You are likely to hear pushback on short term costs. I urge you to keep your stewardship in mind and act with wisdom. Have the courage to make investments now that will prevent and minimize destruction down the road - and maybe not even that far down the road. Thank you for standing strong and doing what's right for us, for our young people and for the future.*

*Virginia Penley*

*My name is Virginia. Penley and I live at 4 65, Rosswood Road off Mann's Chapel Road. I have lived in Chatham County at my current address for over 40 years and I have had the opportunity to meet all of you over the years. Thank you for your hard work on behalf of the citizens of Chatham County. When Briar Chapel was first proposed, many years ago. I was in opposition, but change came and I have been happy to me, new neighbors and made some new friends at Briar Chapel as well. I patronize the businesses. A broader chapter change is difficult and for many years we have hoped the county would finally get a UDO through the process and approved and although I did not expect an ordinance that would rival war and peace in its length and complexity. I am pleased that we are here. I just hope that when the UDO is passed that the county makes it easy for longtime residents like me who have witnessed a lot of change to access and use the document and that you have a process to continually assess the UDO and make changes, edits, and improvements on a quarterly or semi-annual basis. This UDO should be a living ordinance and continually change and improve as the county changes. Thank you for your time.*

*Randy Voller*

*Dear Chatham County Board of Commissioners: 120 Mosaic Blvd, Suite 200-23 Pittsboro, NC 27312 (919) 914-6718 OrangeChathamRealtors.com Thank you for your vision and work on the land planning process and the implementation of the Unified Development Ordinance or "UDO". These processes take a long time to work through the system with input from stakeholders and advisory boards. The final draft document is approximately 732 pages long and will dictate how Chatham County will grow and develop in the years to come. Without getting into the weeds here are a few items we want you to consider: 1. Given the scope of the UDO and its implementation, we recommend that its effective date align with the County's fiscal year. This would make the effective date July 1, 2025. 2. Given the scope and size of the UDO and the recent experience of Pittsboro implementing its UDO, we recommend that a consistent, transparent, and clear process be created to periodically update and amend the UDO after it has been approved by the Chatham County Board of Commissioners. 3. Given the scope and size of the UDO, we recommend that the zoning map for the County be updated and made available to the public before the effective date of the UDO. 4. Given the scope and size of the UDO, we recommend that any current rezoning cases—whether for standard or conditional use—be allowed to continue with the County before the effective date of the UDO. 5. Given the need for affordable living options in Chatham County, it may be reasonable to encourage ADU's with pre-set, approved floorplans (stock plans that don't have to go through planning*

again) be checked for setbacks and ready to be approved by the County. 6. Given the scope and size of the UDO, it is more desirable to simplify zoning restrictions and categories across the board. This is especially true since not all property owners should be put in a position to hire outside professionals to understand the UDO and utilize their property. 7. Chapter 16 of the UDO deals with the rules of interpretation and measurement. To the extent that it is sensible, it seems reasonable to adjust how the net land area is calculated and implemented in the UDO. For example, the UDO says that "the calculation of maximum density is based on the net land area of all land in a proposed development prior to the dedication of any rights-of-way, public parks, or other public areas" and "land area must be based on the most current reliable survey." Since the ultimate density for a property will be determined in part by whether county water and/or onsite sewer is available it seems reasonable to adjust the minimum lot area for the determination of density in some of the zoning categories. For example, in Section 2.2.8 "RV, Rural Village District" the lot area with public water and/or sewer should be adjusted from a minimum of 20,000 sf to 15,000 sf.

Nick Robinson

Good evening Commissioners, Staff and County Attorney. My name is Nick Robinson, 128 Hillsboro Street, Pittsboro, 27312. I have been practicing land use law in Chatham County for the past 25 years or more.

2. I have a few comments regarding clarifications that I think are needed with respect to the UDO.

A. I completely agree that given that there will be a delayed effective date of approx. 6 months or so between adoption and effective date, some certainty is needed for legislative rezonings that occur in the interim. Applicants need an affirmative resolution from the Board assuring their legislative applications will be addressed in due course per the current process. The reasons laid out by the County Attorney at the work session are compelling and I would supplement that opinion by pointing out from a practical perspective that the cost of preparing such applications can be in the 100s of thousands of dollars. An applicant deserves to know that if they spend such amounts for preparation of site plans, surveys, traffic analyses, etc. that their application will be addressed and voted on in the ordinary course and under the current standards. Please adopt a resolution to that effect. B. During the break I spoke with your excellent UDO consultants about 2 specific provisions in the UDO that in particular need more clarity.

1. The first is the definition of "net land area" in section 16.4.9, particularly as it applies to compact residential communities. Currently a developer can count on 2 units per gross acre (i.e., 200 units for a 100 acre tract). The proposed definition of Net Land Area under the UDO currently involves taking the gross acreage and subtracting three things first before calculating density: (i) required open space, (ii) transitional buffers and (iii) development boundary setbacks. We've run the numbers and using that definition would allow a density closer to what R-1 allows rather than inspiring a 2 units/acre compact development with more open space. We recommend that gross acreage be used for density calculations in the Compact Residential zoning district, just as it has been under the Compact Communities Ordinance. 2. The second item is more clarity about how to calculate the "open space density bonus." Right now 6.1.3-3 currently allows 1 additional dwelling units for single family and duplexes and 2 dwelling units for townhomes and apartments. Since a compact district already allows 2 units per acre, giving 1 additional unit for each acre of additional open space will not move the open space needle in the slightest. We think 3 additional SF units and 6 additional townhomes/apartments for each additional acre of open space would be a true incentive. We are happy to confer with staff and consultants to see if some performance based standards might also make sense. But as it is written now, my opinion is that developers will not exercise the bonus option. Thanks.

JC Garbutt

Thank you. And good evening. All. I'm Jc. Garvin. I'm representing Grand Trees and Chatham this evening, so you can imagine what I may be talking about. So, a lot of you may not know what we do, but we go around the county and people recommend a credible tree that they want us to assess and evaluate, then recognizes grand trees that that make Chatham proud, and we also try to educate youth as well as adults and lead hikes about the value of trees. We've heard a lot about that from some of our earlier speakers. So, what really want to. Sort of speaking tonight is the Chathamites love their trees and in all their variety and all their diversity and their nativeness and their ancient, complex creatures, and we need to do the best we can to protect them. And the Udo is certainly in the Tree Protection section has moved forward in that area is the one thing that we recommend, and other speakers have as well is that we do hire a full-time professional arborist in the county to really help evaluate the nature of the trees. What needs to be done with trees, the variety of trees? What's a native? What's a non-native? What's at risk, what's not at risk is how to maximize our value, because without that expertise and knowledge, we really lose a lot. And I just happened to look up. The value of Chatham County property was like 15 billion dollars. So, we're going protect our trees. And you know this incredibly, you know, complex growing county. We need that knowledge and expertise. So, we urge that the Udo include the hiring of an arborist to actually help protect our trees and allow Chatamites in the future to also enjoy all the wonders that trees bring. So, thank you. That's all I have to say. Thanks.

Emily Sutton

Good evening, Commissioners. I'm Emily Sutton, executive director and riverkeeper of Haw River Assembly. We work every day to protect the Ha. Watershed, including Jordan Lake and the communities and ecosystems that depend on it. As Chatham County continues to grow, the need for a clear guidance and unified development ordinance becomes ever more urgent. This county is a haven for recreational users. People who are seeking solace in a more rural setting, and the needs of our growing community, and the growth in the local economy and the need for affordable housing must not put the protection of our rural space and river corridors in jeopardy. Open space requirements in the conservation district should reflect that of the conservation plan established by the county. The conservation proposal requires only 45% of open space be in conservation districts, while the conservation plan recommends 50%. Additionally, the conservation districts should provide contiguous conservation areas. Fragmentation of habitat is detrimental to wildlife habitat and should be avoided when possible. The UDO provides many tree protection ordinances, and we recommend that the county hire a certified tree arborist to oversee these regulations. Protecting existing trees rather than removal of trees and replanting new trees in place, provides greater protection for existing habitat prevention of erosion and sediment, loss and protects water, quality, and quantity, when necessary, to replace plantings rather than preserve existing plantings. Only native trees and plants should be used. Chatham County has also become a target for climate resiliency projects due to the amount of tree coverage and prevalence of water resource and access to flood plains. Unfortunately, counties neighboring our county do not have these existing resources to conserve. As we've seen, this hurricane season. Hurricane related. Flooding will not be contained to coastal areas. Chatham county should prioritize and incentivize the use of green stormwater infrastructure in the design of new developments and should plan for the fifty years storm as opposed to the current standards designed for a 25 year storm. We thank the staff for their diligent work on this UDO package and look forward to seeing our comments reflected in the final product. Thank you.

Chair Dasher closed the public hearing and the item was referred to the Planning Board.

This Agenda Item was referred to the Planning Board.

## **BOARD PRIORITIES**

[24-5577](#)

Continue to review the draft Recode Chatham Unified Development Ordinance if needed

*The Board of Commissioners had no further questions for Staff or the consultants concerning the UDO.*

## **CLERK'S REPORT**

*Clerk to the Board Jenifer Johnson reminded the Board of Commissioners about Cycle NC and the Chamber State of the County.*

## **MANAGER'S REPORT**

*County Manager Dan LaMontagne shared updates on some of Chatham County activities to help in Western North Carolina. The Emergency Operations Systems Tech Jonathan Bells is in Madison County, working to help restore communications, some of the 911 centers there who had lost cell service and all phones and there's a great Facebook post that came out from them, saying that how just thrilled they were to see an angel like him come in, and he said, I'm here to get your communication up. Emergency Management deployed to Polk County EOC management team to assist in transition from response posture to recovery operations. Chatham County has deployed satellite phones, cell phones on wheels, generator support for the highway patrol, barricades and a barricade trailer. Several fire departments have supplied fire trucks, bush trucks other equipment and apparatus and are helping rotate personnel out because a lot of personnel are tired and having to deal with their own families as well, and really getting burnt out so that we need to support them. We know that North Chatham, Moncure, Siler City, and Pittsboro Fire Departments have done so. The Sheriff's Office has been deploying personnel equipment and supplies, and ongoing rotating basis. Emergency Communications has been taking 911 calls for several western counties since the beginning of their event, since a lot of 911 centers lost phone coverage. The Social Services Department has put together a team to go support sheltering operations and some of our GIS Stormwater Protection and Inspectors have been deployed to various areas to help with the recovery and damage assessments.*

## **COMMISSIONERS' REPORTS**

*Commissioner Delaney stated that he would be holding another community conversation, and he attended the Planning Board and Climate Change Advisory Committee meetings. Delaney stated that he would like to have some future board conversations around different topics including affordable housing, deliberative democracy, and community engagement. Delaney stated that he attended the National Association of Counties Annual Conference.*

*Vice-Chair Howard stated that she participated in a panel on connecting communities in the triangle region and transportation. She attended the North Carolina Association of County Commissioners Foster Youth meeting and toured the new Wolfsped facility in Siler City. Howard stated that she attended the Transportation MPO meeting and she will be attending the CAMPO summit the next day.*

*Commissioner Gomez-Flores stated that he attended the Board of Health meeting and they have couple of major projects including Health Record System migration and Health Assessment Report.*

*Commissioner Kenlan stated that she was able to participate in a site based assessment at the Sheriff's Office for certification and she accompanied the assistant county manager and sheriff to Western North Carolina. Kenlan stated that she attended the Partnership for Children, the United Way Bold Campaign, the Chatham County Fair, and the Hispanic Liaison Fiesta in Silk Hope.*

## **ADJOURNMENT**

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Chair Dasher, Vice Chair Howard, Commissioner Delaney, Commissioner Gomez Flores, and Commissioner Kenlan