



# Chatham County, NC

## Legislation Text

---

**File #:** 20-3379, **Version:** 3

---

Vote on a request to approve a Legislative request by the Chatham County Board of Commissioners to consider an amendment to the Chatham County Comprehensive Plan.

### **Action Requested:**

Vote to approve on a Legislative request by the Chatham County Board of Commissioners to consider an amendment to the Chatham County Comprehensive Plan.

### **Introduction & Background:**

During the November 20, 2017 Commissioners meeting, the comprehensive plan, Plan Chatham, was adopted by unanimous vote. Since adoption, there has only been one technical revision to the guiding document on January 16, 2018. A public hearing was held on this item during the January 21, 2020 Commissioners meeting and the comments that were provided are described in the Discussion & Analysis.

### **Discussion & Analysis:**

A revision to the language in the Utilities Section should be considered to reflect the growing needs of the County to be able to locate public service facilities where needed in the County to serve the County (Attachment A). The second bullet point of Strategy 1.2 is considered for revision without changing the intent of the Recommendation 01 and Policy 01 which it is aimed at achieving. This request is also being submitted in conjunction with a text amendment to the Zoning Ordinance to allow greater flexibility in locating government facilities in the county.

A public hearing was held on January 21, 2020 and 19 spoke on this item (please note that comments were provided during the public hearing portion of the meeting, as well as the public comment portion which was held at the end of the public hearings). There were numerous residents in attendance during the Commissioners meeting with most residing in Briar Chapel. Based on the comments provided during the hearing it appeared that many of those providing feedback thought the proposed amendments included revisions to Section 1.1 of the Utilities section, which is specific to decentralized wastewater systems and their ability to serve development nodes identified on the Future Conservation and Land Use Map. Planning staff reviewed the request and clarified that the amendment applied to the second bullet point of Section 1.2 and is intended to allow public facilities and services to be located anywhere they are needed within the county's jurisdiction. This was triggered by the county's agreement to purchase approximately 270 acres at the intersection of US 64 W and Renaissance Drive. The tract is adjacent to property currently owned by the county and includes the following facilities and services - Solid Waste & Recycling, School System Garage, Sheriff's Office Detention Center, and Animal Control.

Comments provided during the hearing and in public comment included: public service facilities could be interpreted to include privately owned service providers that serve the public; the text should be clear that it only applies to publicly owned and operated services and service facilities; and concern

about unknown unintended consequences that could occur if the text is amended. There were additional comments that were specific to concerns about the future expansion of the wastewater treatment plant serving Briar Chapel, but those comments weren't related to the amendment to Section 1.2.

The current wording of the proposed amendment that was the subject of the public hearing is "Locate new public services and public service facilities, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, or where existing infrastructure exists and public services are needed." (Note: underlined portions are additions) Based on comments received during the public hearing, staff is recommending the following change to the second bullet point of Section 1.2 -

"Locate new government owned, operated, and maintained public services and facilities, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, or where adequate infrastructure exists and government owned, operated, and maintained services and facilities are needed to serve the surrounding community.

The Planning Board discussed this item during their February 4, 2020 meeting and comments included whether landfills, transfer stations, and other activities that may not be appropriate in a residential setting be permitted by right; how and whether government activities differed from similar privately operated activities; whether the change would allow municipalities the same option within the county's land use jurisdiction; and if the proposed language could be specific to Chatham County operations. Staff commented that the higher impact government uses, such as landfills, transfer stations, etc. would be subject to additional review because they're listed separately in the Table of Permitted Uses in the Zoning Ordinance. The ordinance requires that the most restrictive standard apply so those uses would be subject to a rezoning or conditional use permitting process. Discussion also included that government functions are different from privately operated uses because the county has to provide certain services where they are needed, such as recycling centers. Concern was expressed by one member that it appeared the county could be subject to a court challenge if a privately operated office use was denied in an area where a public office was constructed.

The Planning Board, by a vote of 9-1, recommends approval of the revised text amendment to the second bullet point of Strategy 1.2 of the Utilities and Public Services Plan Element to read: Locate new government owned, operated, and maintained public services and facilities, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, or where adequate infrastructure exists and government owned, operated, and maintained services and facilities are needed to serve the surrounding community.

### **How does this relate to the Comprehensive Plan:**

Goal: Provide infrastructure to support desired development and support economic and environmental objectives. Specifically the Utilities and Public Services Plan Element, Strategy 1.2 Develop utilities policies, systems and services that facilitate compact development and support economic development in defined areas.

### **Recommendation:**

The Planning Board, by a vote of 9-1, and planning staff recommend adoption of an ordinance amending the following strategy Plan Chatham as follows: Strategy 1.2 of the Utilities and Public Services Plan Element (second bullet point) - Locate new government owned, operated, and maintained public services and facilities, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, or where adequate infrastructure exists and government owned, operated, and maintained services and facilities are needed to serve the surrounding community.