



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
2-5-07

**PART A**

**Subject:**

Request by the Chatham County Board of Commissioners for a revision to the following sections of the Chatham County Ordinance Establishing the Planning Board: Section 1, Appointment and Compensation, to increase the number of Planning Board members; Section 2, Organizations, Rules, Meetings and Records, to allow the Board of Commissioners to remove Planning Board members without cause; Section 2(I) to make a technical correction; and Section 4, Annual Report of Activities, to revise reporting procedures.

**Action Requested:** See Recommendations.

**Attachments:**

**Submitted By:**

\_\_\_\_\_  
Keith Megginson, Planning Director

\_\_\_\_\_  
Date

**County Manager Review:**

\_\_\_\_\_  
Charlie Horne, County Manager

\_\_\_\_\_  
Date

**This abstract requires review by:**

**County Attorney**

\_\_\_\_\_  
Date Reviewed

**Finance Officer**

\_\_\_\_\_  
Date Reviewed

**Budget Officer**

\_\_\_\_\_  
Date Reviewed

## PART B

### *Re: Chatham County Ordinance Establishing the Planning Board*

**Introduction / Background / Previous Board Actions:** A public hearing was held on this item January 16 and eight people spoke. The minutes of the meeting reflect their comments. There were comments about the planning board members' terms running concurrently with the appointing Commissioner's term; that the planning board needs to be a nonpolitical body that can operate without concern of being removed without cause; that there needs to be some institutional memory on the board; and that the planning board needs training. Currently the planning board members' terms do not all expire at the same time so there is carry over and institutional memory on the board. New planning board members are offered a training of about three hours after they are appointed.

**Issues for Further Discussion and Analysis:** There were numerous issues raised during the public hearing and in Commission discussions about the planning board. Although the public hearing was held to discuss increasing the number of planning board members and to provide for any member to be removed without cause by the Board of Commissioners, related issues were raised. From my recollection of the origin of the concern about planning board member appointments, the interest was in allowing incoming commissioners to make planning board member appointments soon after taking office. This would allow new commissioners the opportunity to decide if the existing planning board appointee for their district meets their goals or if some other person would better serve that purpose. This may be accomplished by changing the terms of the planning board members to approximate the change in terms of commissioners. As stated one speaker suggested this during the public hearing.

One bigger issue raised during the discussion of this item is the purpose of the planning board. When the Ordinance Establishing the Planning Board was created there were only two townships that were zoned and the county only had a zoning ordinance and subdivision regulations. At that time the planning board approved subdivision requests and made recommendations on zoning requests. Now there are regulations addressing ten different types of land use issues such as communication towers, off-site signs, junk yards, flood damage prevention and others. Zoning now encompasses all or some of eight townships. Planning board meetings normally last about three hours. The planning board now serves as an advisory board on both subdivision requests and zoning requests and the Commissioners make the final decision on both types of requests. The January 2007 edition of Countylines by the North Carolina Association of Counties has an article on page 9 that describes the Harnett County Commissioners changing the function of the planning board from development approval to more long range planning. The Harnett Commissioners established a Development Review Board similar to our Development Review Committee and authorized it to approve subdivisions and various other forms of development. Other jurisdictions are organized similarly. This arrangement frees up the planning board's and Commissioners' time to address long range planning and broader policy issues instead of spending hours addressing technical issues which may be more appropriately resolved by agency professionals in the field.

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Issues for Further Discussion and Analysis – con't**

If the Commissioners want to continue with the planning board making recommendations on subdivision requests you may want to consider having designated types of professionals represented on the board. The County Health Board is required to have members who are in the professions of dentistry, pharmacy, veterinary medicine, optometry, nursing and others. Professions related to land development (specifically subdivisions) are law, land surveying, real estate, engineering, landscaping, and others. I have worked with planning boards that have these professions represented as well as other citizens and they functioned well in addressing technical issues that arose.

During the Summit I talked to the Board about the hierarchy of Comprehensive Plan or Land Development Plan (which may be comprised of the Recreation Plan, Transportation Plan and others), Zoning Map and Subdivision Plan. From my observation our review structure does not make efficient use of the Commissioners' time for these different types of plans and the plans are being confused. The Harnett County arrangement is more efficient than our current review structure. A recent example of a subdivision review at the Commissioners' meeting demonstrates the problem of the public and Board having confusion about the plans. The developer presented a traffic impact analysis prepared by a professional traffic engineering firm during sketch review. Such a report would normally be used by the North Carolina Department of Transportation during the preliminary review stage to determine whether turning lanes are justified based on existing and projected traffic. Citizens made statements about the road conditions not being adequate to safely handle the amount of traffic existing and/or projected. Their concern is more appropriately addressed in a Land Development Plan and specifically in a transportation plan and/or transportation improvement plan, not in a situation where the NCDOT will make the decision of whether turn lanes are required and how they are designed if warranted. Another issue raised concerning the subdivision was that there were too many lots proposed. The development was said to be too dense. The subdivision process is designed to evaluate whether a specific site can be used for residential development based on the availability of road access, water and waste water disposal. The density of an area is a zoning issue based on more broad issues such as stated in the opening sentences of our Zoning Ordinance. Some of these are as follows: "promoting the orderly growth of the jurisdiction; lessening congestion on the roads; preventing overcrowding of the land." In summary if land is zoned for one acre lots and someone presents a subdivision plan that has one acre lots and the agency staff professionals reviewing the plans state that it meets the minimum requirements, then the Board is hard pressed to legally deny the request. Our existing organizational structure seems to contribute to the confusion about zoning and subdivision issues and does not allow the planning board and Board of Commissioners sufficient time to address long range plans and policy issues.

**Recommendation:** If the Board wants to address the issues of newly elected Commissioners having an early opportunity to appoint planning board members that may be most easily addressed by having planning board member terms approximate those of commissioners. Therefore the term length would need to be revised from three to four years and the time of term would need to change from July to January. January is suggested so the new Commissioners have at least one month of service to make a selection. It is the staff recommendation that you make any changes to the Planning Board membership effective following the Planning Board February 6<sup>th</sup> meeting. This would allow any new members to receive agenda packets, training by

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staff and prepare for their first meeting. It would allow the public and subdivision applicants that have been notified about the meeting to attend with a quorum of planning board members present. It would also allow the existing planning board members to have some closure during their last meeting. Due to the current complexity of land use regulations and land use issues before the Board I recommend in the near future that you address the purpose and organizational structure of the Planning Board and others that relate to land use. Staff can provide recommendations upon request at the appropriate time.