



## **Chatham County Planning Board Agenda Notes**

**Date:** May 3, 2011

**Agenda Item: VI. 1.**

**Attachment #: 1**

☐ **Subdivision**

☐ **Conditional Use Permit**

☐ **Rezoning Request**

☒ **Other:** Text Amendments

<b>Subject:</b>	Request by the Chatham County Board of Commissioners for text amendments to the Chatham County Zoning Ordinance to delete the requirement for an Environmental Impact Assessment on non-residential, general use zoned properties in Section 11.3 and to add "Telecommunications Towers" in the list of permitted use in Section 10.3 as a correction to an earlier amendment.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Application packet – provided prior to the March 21 public hearing.</li><li>2. Minutes from the June 16, 2008 Board of Commissioner's work session.</li><li>3. Email and written comments by Attorney Patrick Bradshaw</li><li>4. Written comments by Caroline Siverson, CCEC</li><li>5. Written comments by Mayor Randy Voller, Town of Pittsboro</li><li>6. Letter from the Town of Pittsboro to NCDENR</li><li>7. Written comments by Larry Ballas</li><li>8. Written comments by Sonny Keisler</li><li>9. Written comments by the Haw River Assembly</li></ol>

### **Introduction & Background**

A public hearing was held on amendments to the Zoning Ordinance on March 21, 2011 and continued to April 18, 2011. Several people spoke regarding the Environmental Impact Assessment (EIA) amendment, but no-one spoke on the Telecommunications Tower correction. The public hearing was concluded on April 18, 2011 during the regular evening meeting of the Board and the written comments that were provided are attached.

### **Discussion & Analysis**

In December 2008, the Board of Commissioners adopted several amendments to the Zoning Ordinance that included a requirement for an environmental impact assessment for any non-residential development disturbing two or more acres. A copy of the minutes from the June 16, 2008 Board work session at which the EIA requirement was discussed in more detail are attached to provide additional background information.

During the Board of Commissioners' retreat in February, staff was asked to provide an overview of the approval processes that could impact a new business opening in the county. As part of this overview, staff

provided an extensive review of the Zoning Ordinance requirements that could impact a new business, including the EIA requirement for projects disturbing two or more acres. The Board discussed the thresholds that trigger an EIA in the Zoning Ordinance, and whether the information provided could be used to regulate the development of a site. Staff explained that an EIA is not a regulatory tool for general-use zoning districts, but could be used to add conditions to conditional use permits. Based on the discussion, the Board of Commissioners voted to direct the staff to prepare amendments to the Zoning Ordinance to limit the EIA requirement to non-residential projects requiring a conditional use permit.

During the Public Hearing, concerns were raised by some speakers regarding information that an EIA might provide to an applicant alerting them to potential environmental impacts of a development. Other speakers mentioned other County regulations that require environmental protections, such as the Watershed, Sedimentation and Erosion Control and Stormwater Ordinances as providing adequate environmental protections. Other information that might be covered by an EIA that is readily available on the County GIS webpage was mentioned as well, such as Natural Heritage Program information. The availability of the Chatham County Historical Association to review projects for historical structures or cemeteries was also presented at the Public Hearing.

Although several concerns were raised at the Public Hearing concerning the removal of the EIA requirement for projects that are permitted under general-use, the requirement will still apply to non-residential properties requiring a conditional use permit. Under conditional use, conditions can be added to a permit to cover items identified in the EIA that the Board thinks should be protected.

There were no issues raised about the Telecommunications Tower correction to the Chatham County Zoning Ordinance. This will be added to Section 10.13 as a conditional use in the Light Industrial district and permitted use in the Heavy Industrial district, where a majority of cell towers in the zoned portions of the county are currently located.

### **Recommendation**

Planning staff recommends approval of the text amendments to remove the requirement for an EIA on non-residential, general use zoned properties, as directed by the Board of Commissioners at their Retreat in February, and to add Telecommunications Towers to the Zoning Ordinance. The Planning Board has up to three (3) meetings to make a recommendation to the Board of Commissioners.