

Chatham County Planning Board Recommends Approval of the Countywide Zoning Initiative

Prepared by George Lucier, Chair Chatham County Planning Board

The Chatham County Planning Board on July 12 voted to recommend approval of the Commissioner initiative to proceed with countywide zoning for the 388 sq miles that are currently unzoned. The vote was 7 in favor and 4 against. Those voting in favor were Caroline Siverson, Jim Elza, Allison Weakley, Tony Gaetta, Bill Arthur, Emily Moose and George Lucier. A minority report was prepared by those voting against. Prior to the vote, on July 12, each Planning Board member was given an opportunity to present their views on the zoning initiative. This was a lively and full exchange of views. All views were considered. Although the Planning Board recommendation represents a mixed vote, it is important to say that this reflects legitimate differences in opinion regarding the best course of action for the future of Chatham County

The Planning Board has been deliberating on this zoning issue for 18 months beginning in February 2015. These deliberations included at least four Planning Board meetings and five meetings of a subcommittee established to examine different zoning options. Public comments were received at all of these meetings including the July 12 2016 meeting when we received comments from twenty people. All comments were considered along with comments received at the formal public hearing held on June 6, 2016 and at previous Commissioner meetings.

The following points summarize the reasons expressed by Planning Board members who voted in the majority. The views of those voting in the minority are expressed in the minority report. Each member of the majority does not necessarily agree with all the reasons stated here but they are in agreement with most of them.

1. Seven of the eight counties that border Chatham County are fully zoned and the other county has a rigorous heavy industry ordinance that is countywide. This means that activities that might not be allowed in neighboring counties will have free reign to come to Chatham. Recently, twelve mining operations are seeking permits to come to Chatham. Citizens, in the unzoned areas, will have little or no control over it. The same problems could arise for sexually oriented businesses, gun ranges and other activities often considered undesirable.
2. The growth rate of Chatham County is the second fastest in North Carolina. All other fast growing counties in North Carolina are fully zoned. Planning is essential in fast growing counties. It would be irresponsible to let growth proceed randomly without local control as it will cause inevitable traffic problems, sprawl, environmental degradation and school overcrowding.

3. The ordinance that established the Chatham County Planning Board states that a major role of the Planning Board is to advise the Commissioners on how to direct the County's growth according to sound management and planning principles. Given our growth pressures it would be difficult to fulfill our charter without countywide zoning.
4. Agriculture is a centerpiece of Chatham County and those engaged in farming activities need protections. It is important to note that farming operations and the accessory businesses associated with the farming operations are exempt from zoning regulations because of state law. Planning Board members, voting with majority, fully support agricultural and timbering exemptions from zoning.
5. Economic development is critical to the future of Chatham County especially in light of the fact that citizens often have to travel outside the county to get good jobs. It is clear that zoning is needed to help lure companies with good paying jobs to Chatham County. Employers want to know what will be next to them and the employees who work there want to live in a place where they have some say over the growth that is occurring next to them. Studies are available which show that economic development is clearly enhanced in zoned areas.
6. The Chatham County megasite in western Chatham offers great potential for transforming economic development opportunities in that part of the county. The chance that a large company with good paying jobs coming to the megasite would be greatly enhanced by zoning.
7. Chatham Park is coming to Chatham County and, it alone will nearly double our population and greatly accelerate our current high growth rate. It would be irresponsible of Chatham County government not to enact countywide zoning so that the citizens are protected and empowered to prevent the potentially adverse effects of rapid growth and at the same time maximize the benefits of a growing and vibrant county.
8. Chatham County is blessed with an abundance of natural resources, three beautiful rivers, a much appreciated rural environment and Jordan Lake which lies almost entirely inside our boundaries. Fracking for natural gas and coal ash landfills represent significant threats to our natural environment. Our natural resources and our rural/agricultural heritage must be protected. Countywide zoning helps to provide the tools necessary for those protections.
9. There often is very little opportunity for citizen input when development occurs in the unzoned part of the county. With zoning, neighbors can participate in development decisions and know what kinds of developments are being proposed next to them so that they can choose whether or not to support or oppose those developments.
10. The jurisdictions of Pittsboro and Siler City and the Cary part of Chatham are fully zoned. In the case of Siler City zoning ends at the border of their jurisdiction. For Pittsboro, the

border to the west and, in part the south is unzoned. While it is clear that planning issues and ordinances are different in towns compared to the county, it makes sense that planning and zoning regulations between those jurisdictions are compatible not confusing nor counterproductive. Countywide zoning will help the towns and the county to work together to manage growth in a mutually beneficial manner.

The Planning Board discussed and voted on four additional issues that are directly relevant to the countywide zoning initiative.

1. The first involves the impact on existing businesses in the unzoned part of the county. These businesses would be considered non-conforming once R-1 or R-5 zoning is enacted. This means that they would be able to expand their business but not change the nature of it. For example, a convenience store could not change to a restaurant without going through a rezoning process. The Planning Board wants to be certain that existing businesses are not harmed by countywide zoning. Accordingly, we voted unanimously that existing businesses, if they wish, be zoned according to their current use, whether it be commercial, office/institutional, light industry etc. This would offer greater flexibility than the non-conforming status. This approach was taken in 2008 and 2009 when the major corridors in Chatham County were zoned. At that time the vast majority of businesses opted for being zoned according to their current use and a few opted for the non-conforming status.
2. During the public comment period, concern was expressed that, in the event that the federal government sells or relinquishes control of Jordan Lake lands, those lands would become unzoned. This, of course, makes no sense in an environmentally sensitive area. The Planning Board voted unanimously that Jordan Lake lands be zoned R-5. Most board members also thought that R-10 would be more appropriate if such a designation becomes available in Chatham County.
3. The Planning Board voted unanimously to repeal the lighting ordinance if countywide zoning is enacted because it would become superfluous to the zoning ordinance which already includes all provisions of the lighting ordinance.
4. The Planning Board also discussed the state requirement that sexually oriented businesses be allowed in some part of the county. Currently they are allowed only in the unzoned part of the county so if countywide zoning was enacted than we would be in violation of state law. The Planning Board voted unanimously to allow sexually oriented businesses in the heavy industry zone.