

Chatham County/Cary Joint Issues Committee
June 1, 2009
Cary Fire Station #7
6900 Carpenter Fire Station Road, Cary
6:30 p.m.

MEMBERS PRESENT: George Lucier, Chair, Chatham County Board of Commissioners; Sally Kost, Vice Chair, Chatham County Board of Commissioners; Julie Robison, Mayor Pro Tem, Cary Town Council; Ervin Portman, Cary Town Council Member; and Jennifer Robinson, Cary Town Council Member

Chatham County Staff Present: Jason Sullivan, Assistant Planning Director

Cary Staff Present: Ben Shivar, Town Manager; Ricky Barker, Associate Planning Director; Tim Bailey, Engineering Director; and Sue Rowland, Town Clerk

The committee meeting began at 6:40 p.m. The agenda follows.

- I. *Introductions: Committee Members, Resource Staff, & Support Staff*
- II. *Organizational Matters*
 - o *Selection of Co-Chairs*
 - o *Review of Timeline & Schedule*
 - o *Selection of Meeting Dates/Times for Future Committee Meetings*
 - o *Ground Rules*
 - o *Other*
- III. *Review of Suggested Categories of Topics for Discussion*
 - * *Topic 1: Planning & Development*
 - o *The Joint Land Use Plan: Plan Alternatives*
 - o *Environmental Protection: Stormwater Study Results*
 - o *Implementation: Zoning, Rezonings, Protest Petitions, Future Annexation*
 - * *Topic 2: Infrastructure*
 - o *Western Wake Treatment Facility & Future Annexation*
 - o *Transportation*
 - * *Topic 3: Regional Planning & Coordination*
 - o *Transportation Planning - Durham, Chapel Hill, Carrboro (DCHC) MPO*
 - o *Joint Planning with Orange County*
 - * *Topic 4: Miscellaneous Items*
 - o *Tax Issues – Revaluation Cycle*
 - o *Transfer of Development Rights (TDR) Legislation for Chatham County Jurisdictions*
- IV. *Proposed Format/Process for Subcommittee Review of Topics*
 - o *Background Summary & Review of Topic(s)*
 - o *Identification of Key Issues & Concerns*

- o *Discussion of Issues & Concerns*
 - o *Prioritization of Issues*
 - o *Direction/Further Investigation*
 - o *Decisions/Recommendations*
- V. *Update: Renewal of Cary Annexation Moratorium*
- VI. *Begin Review of Topic 1: Planning & Development*
- o *The Joint Land Use Plan: Plan Alternatives*
 - o *Environmental Protection: Stormwater Study Results*
 - o *Implementation: Zoning, Rezoning, Protest Petitions, Future Annexation*
- VII. *Next Meeting*
- VIII. *Adjournment*

The group agreed with Kost and Robison serving as co-chairs.

The group concurred with the agenda and the proposed format and process for the committee review of topics.

Chatham County officials will involve Cary in the joint planning effort with Orange County as needed. Kost will forward information on this topic to the Cary committee members.

Annexation Moratorium

On May 28, 2009 the Cary Town Council directed staff to prepare a resolution for the June 10, 2009 council meeting extending the moratorium on annexations in Chatham County through September 30, 2009. The two conditions included: (1) there should be an exception clause so Cary can accommodate people whose wells and septic systems are failing; and (2) Cary should ask Chatham County to adopt the same moratorium, so they do not approve subdivisions greater than 25 units on the property in the joint study area during this same time period.

Chatham County committee members informed the Cary committee members that they do not have the legal flexibility of a subdivision moratorium without going through the statutorily prescribed legal process. Sullivan stated he is not aware of any potential major subdivisions in this area, and it takes much more than 90 days for a major subdivision request to go through the full process.

Barker stated Cary received an annexation request this past month (09-A-07), which is about 39 acres adjacent and contiguous to Amberly. It was submitted when a moratorium was not in place and will continue through the process. A public hearing will occur on July 23, 2009, and a final council decision may be made at that time.

The group reached consensus on the following issues pertaining to the annexation moratorium subject:

- Chatham County will communicate with the Town of Cary if they receive a major subdivision request in the study area prior to September 30, 2009.
- The Cary resolution requesting extension of the annexation moratorium will not require Chatham County reciprocity for a subdivision moratorium.

- The Cary resolution requesting extension of the annexation moratorium will include a statement that it will expire upon vote of both the Cary and Chatham County boards approving a joint land use plan or on September 30, 2009 – whichever comes first.
- Cary encouraged Chatham County to either provide written comments or attend the annexation public hearing on July 23, 2009 for the one annexation in process (09-A-07).
- Cary's resolution requesting extension of the annexation moratorium will be on the June 10, 2009 council meeting agenda.

Land Use Plan

There are two proposals for the 11,000-acre area. Refer to **Exhibit A** for the joint Cary/Chatham staff proposal and **Exhibit B** for the Chatham County Commissioner's proposal (attached to and incorporated herein).

Comments pertaining to the land use plan issue follow:

- Both plans respect water quality. Lucier and Kost believe the Chatham County Commissioner plan is more protective of the water quality.
- Chatham County officials are concerned about the transportation network. Highway 751 is the toll-road alternative and is already congested. They want it to remain a two-lane road, and due to its location the Army Corps of Engineers may require that it remain two lanes.
- Bailey noted that a lot of the Highway 751 traffic in the long-term will be pass-through traffic.
- Portman thinks a lower density development will encourage more sprawl, more time per traffic trip and more traffic on the road.
- Kost does not think five-acre lots is considered sprawl.
- Robinson stated if more people are forced further away from the employment center, then it forces more traffic coming through this area.
- Portman stated this area is attractive and people will want to come here. He does not think a land use plan can control this. He thinks the plan should ensure that development occurs in a manner that is beneficial to existing residents and the environment and is well thought out regarding transportation.
- Kost stated Chatham County must also consider schools.
- Lucier stated they need to be consistent with the types of development on both sides of the lake.
- Kost stated the Chatham County residents appreciate their special quality of life, and they do not want it to be like Cary.
- Robinson stated the committee needs to consider potential compromises with the two plans to come up with one plan.
- Portman questioned the ability to have an abrupt transition at the Wake/Chatham County line.

- Lucier thinks development such as Amberly distorts the residential growth. He is more interested in talking about business parks to ensure balanced growth instead of all residential development. Chatham County is interested in tax dollars.
- Robinson does not envision any Cary development in Chatham County to be similar to Amberly.
- Lucier would like a commitment to economic development.
- Lucier stated Chatham County is concerned about the Highway 64 superhighway plan.
- Portman suggested locating office development where it is best suited according to Chatham County officials. He suggested that a school in this area also needs to be addressed.
- Kost stated they have 12,000 lots approved on the other side of the lake, and a tax impact will more than likely occur. She stated it will be a long time before they build schools on the east side of the lake.
- Lucier stated their highest priority is protecting the lake as a drinking water supply and a recreational opportunity.
- Robinson suggested giving direction to the staffs to have extremely low density along the lake (5 to 10 acre lots).
- Lucier stated not enough attention was given to the ephemeral streams with the Amberly development. Portman stated both boards have adopted stricter rules since that time.
- Robinson stated Cary can consider modifying its ordinances to include ephemeral streams. Bailey stated the Jordan Rules will require a balance with development and water quality issues.
- Lucier wants to see a comparison of the Chatham County and Cary stream buffer regulations and other land development regulations. Both staffs will work together to develop a concise comparison.
- Kost asked if Cary is interested in a greenbelt. Robinson stated Cary wants to intersperse as much open space as possible and as aggressively as possible in a strategic manner.
- Robinson suggested that a good goal is to be as minimally disruptive to the landscape as possible.
- Robinson stated both staffs should work together and develop a compromise land use plan that reserves an area for a future office park, distributes the density acceptable to Chatham County over the remaining land in this area in such a way so that large lots are preserved along the lake and its fingers (i.e., minimum of five-acre per unit lots). The group can see what this looks like at the next meeting.
- Neither group likes satellite annexations. They directed the staffs to take this into account as they prepare a compromise plan.
- Both groups want a land use plan that is compatible with existing development. They directed the staffs to take this into account as they prepare a compromise plan.

- Robinson suggested targeting office development at Morrisville Parkway at Green Level Road (in the vicinity of Apex Nursery).
- Kost and Lucier will give Sullivan feedback about the types of uses they want to include (i.e., mixed use, office, etc.).
- Robinson stated it might be helpful to have a mixed use that only serves the office development.
- Lucier is not opposed to more dense residential development around an office park.
- Sullivan clarified that the staffs will prepare a compromise plan that spreads the density and focuses the higher residential density around the office development.
- Robinson stated the staffs should use good transition practices in their compromise plan, keeping in mind that Chatham County does not want more people than they proposed in the Chatham County plan. She suggested a logical transition from the office to the low density.
- Robison stated more density should be considered for office rather than residential. Kost stated this will present more transportation issues. Portman stated the transportation issues will arise in either scenario.

Future Meeting Dates/Times:

Committee members agreed to the following meeting dates/times, and the meetings will be conducted at Cary Fire Station #7.

June 16, 9-11 a.m.

July 17, 9 a.m.-noon

August 14, 9-11 a.m.

Topics on the June 16 agenda will include the compromise land use plan and a comparison of Chatham County and Cary development related regulations. Information will be provided to the members for their review in advance of the meeting.

The co-chairs adjourned the meeting at 8:34 p.m.