

**Chatham County/Cary Joint Issues Committee Meeting**  
**February 4, 2010**  
**9:30 a.m.**  
**Fire Station #76900 Carpenter Fire Station Road, Cary, NC**

Committee Members Present: Co-Chairs Sally Kost and Julie Robison and Members George Lucier and Ervin Portman; Member Jennifer Robinson arrived late, and her arrival time is noted in the minutes

The agenda follows:

- I. Call to Order
- II. Approval of Minutes of August 31, 2009
- III. Approval of Minutes of December 11, 2009
- IV. Update: WWWWRF
  - o Chatham County Response to Cary Easement Request
  - o Potential Greenway Trail
  - o Chatham County participation in the WWWWRF partnership
- V. Discussion of Public Comments on DRAFT Joint Land Use Plan
  - o General Plan Comments: Growth & Development; Rural vs. Urban; Transportation and Traffic; Chatham vs. Cary
  - o Key Issues:
    - 200' American Tobacco Trail (ATT) Buffer
    - Mixed Use area designation
    - Rural Buffer Boundary & Future Utility Service
  - o Other Topics & Considerations:
    - Transitions between land use designations
    - Specific property owner requests for map changes
    - Environmental regulations (ephemeral streams)
    - Plan document (text to support map)
- VI. Update: Chatham County Legislative Agenda
  - o Local Bill for Joint Plan Amendment
- VII. Follow up from December Meeting
  - o Consider Joint resolution regarding speed limit at ATT crossings on O'Kelly Chapel and New Hope Church Roads.
  - o Discuss draft time line for outstanding work of the subcommittee
- VIII. Next Meeting
- IX. Adjournment

Kost began the meeting at 9:43 a.m.

Approval of agenda:

**ACTION: Robison moved to approve the agenda; Lucier provided the second; members granted unanimous approval. (Robinson was absent for this vote.)**

**ACTION: Lucier moved to approve the August 31, 2009 and December 11, 2009 minutes; Portman provided the second; members granted unanimous approval. (Robinson was absent for this vote.)**

WWWRF Update:

Cary Engineering Director Bailey stated Cary continues to move along in the Environmental Impact Statement (EIS) process. They delayed the end of the comment period to February 9. After this date he expects a decision from the Corps. Design is 90% complete.

Lucier asked if the EIS only includes the Cape Fear discharge point. Bailey stated the only discharge point in the current EIS is Cape Fear. The Partners decided that Harris Lake would probably require an interbasin transfer certificate (IBT). The Harris Lake option would take too much time, and has been removed from EIS. Holly Springs may be interested in pursuing a second discharge point, but this would not include the rest of the Partners and would not change the capacity at the plant.

Kost stated Chatham staff will provide comments as part of the EIS process. They removed this issue from their agenda two weeks ago to provide staff time to study the issue. They have a meeting on February 15 and March 1, and plan to take up the issue at one of these meetings. They have asked their staff to consider a recreation easement for that property, as some of the land is owned by Progress Energy (PE) and will only impact a few homeowners.

Bailey replied that some of the easement would be on PE property, but much is not. He stated the line on the map moved about 200 feet at one point. He stated the starting point crosses US 1, which would be a challenge without a grade-separated greenway crossing (about a million dollars per crossing). There's a similar crossing of the rail corridor, and the rail officials will not allow at-grade crossings in most cases (the tracks that parallel Highway 42). Much of the line is along the roadway corridor, and in these locations it would be similar to a multi-purpose path or sidewalk. There is a steep segment near the river, which probably would not meet the criteria for trails, especially the bike trail requirements. Bailey stated a trail will need a wetland permit. He stated a recreation easement is not impossible, but there are numerous challenges and extra costs.

Portman asked the timeframe for Chatham's feedback. Bailey stated it's been delayed about three weeks, so Chatham's feedback will be needed in the April timeframe.

Chatham County Manager Charlie Horne stated their work is geared to the best options for potential lines and access points to connect to outfall. They will have conversations with Pittsboro and others about their interests.

Kost stated eight miles of this line will go beyond Buckhorn Dam, and they're looking at potentially sharing discharge lines so that Chatham County does not have to run a line next to Cary's line. Lucier stated Chatham has a speculative limits letter from the State for 19 million gallons per day, and they are in the early stages of determining how to work with neighbors to effectively use this allocation. He added the discharge point is identical to the New Hill treatment plant. Kost stated the engineering data will include Chatham's requirements, change in pipe size, location of connection, etc.

Robison asked staff to address implications of enlarging the pipe. Bailey stated he would need to know the connection point and the type of pumping condition to that point. Depending on size changes and other factors, we may need to modify the EIS, and the trigger is up to the Corps. He

expects any change would require Cary to contact the Corps, and the Corps would then decide what action is necessary. He doubts a pipe size change from 54 to 66 inches would require an EIS change, but he does not actually know until the Corps responds. Bailey stated the connection point is critical. Flow is by gravity, and a pipe size change may not be needed if certain connection points are chosen.

**Robinson arrived at 9:57 a.m.**

Horne will provide Bailey with the contact information for their engineers so Cary staff can work with them.

Robison asked about Chatham County officially participating in the Partnership. Bailey will need an official request in writing from the appropriate entity in order to take the request to the Partnership. They would consider modifying contracts and ratios of payments based on flow.

Robison asked implications of contributions/costs associated with the larger support of the infrastructure. Bailey stated all up-front cost (permitting, design, etc.) has been shared equally among all Partners based on the flow. For the construction costs, Holly Springs will only participate in the pump station and the pipeline; therefore, there is a different ratio of expenses for construction. He stated Chatham County's participation in the pump station would only be if the design changed. He does not think they would pump flow to the pump station; they may only need to connect to the line along the way. He stated it would probably impact pumps, electrical, etc., but these features have not been built, so it's a prime time to make those changes.

Bailey stated this arrangement would force the compliance point for the discharge at the plant site instead of the river. He stated frequently treatment plants must sample at the river. The permit would need to be written with the plant site as the compliance point.

Public comments of draft joint plan:

Below is staff's summary of the responses with a map showing the locations of those who submitted comments (as best as possible):

**Summary Statistics for Citizen Comments**

- Number of Responses Received: 89, containing a total of 104 names
- In Addition, 3 responses were submitted on behalf of organizations: *WakeUP Wake County*, attorneys for Hills of Rosemont Subdivision; and HOA President for The Hills of Rosemont.

**Summary of Requests to Change the Land Use Designation for a Respondent's Property**

Change Request	No. of Responses	No. of Names	No. of Properties	Acres <sup>1</sup>
1. Requests to Decrease Density	19	24	20	125
2. Requests to Increase Density	7	8	8	265
3. Opposed to having an ATT Buffer on their property. <sup>2</sup>	19	24	15	115
4. No concerns for property designation. Keep it as shown.	9	9	11	74
5. If you increase the density of a neighbors property, then increase mine as well	1	1	3	21

<sup>1</sup> Self-reported; not yet verified by staff.

<sup>2</sup> One owner suggested reducing it to 50 ft.

In addition both the Hills of Rosemont HOA and the attorneys for same submitted comments in opposition to the ATT Buffer on Hills of Rosemont properties.

Details:

Change Request	No. of Responses	No. of Names	No. of Properties	Acres
1. Opposed to having an ATT Buffer on their property. <sup>3</sup>	19	24	15	115
2. No concerns for property designation. Keep it as shown.	9	9	11	74
3. Make sure livestock operations, horse breeding, are allowed	1	1	1	36
<b>Requests to Decrease Density</b>				
4. Do not designate my property as MXD node <sup>4</sup>	13	14	16	80
5. Change from 2 du/1 ac to 1 du/5 ac.	6	10	6	41
6. Change from 1 du/1 ac to 1 du/5 ac.	1	1	1	4
<b>Requests to Increase Density</b>				
7. Change from 1 du/5 ac to 2 du/ac or higher	2	2	2	95
8. Change from 1 du/5 ac to a higher density	1	1	1	5
9. Do not split family farm with Urban Service Boundary. (Part is 2 du/1 ac or 1 du/1ac, rest is 1 du/5 ac.) Make all of our properties the higher density.	1	2	3	104
10. Change from 2 du/1 ac to a higher density	1	1	1	28
11. Change from 2 du/ac to 3-4 du/ac	2	2	1	33
12. If you increase the density of a neighbors property, then increase mine as well	1	1	3	21

**Requests to Change the Land Use Designation for Someone Else's Property  
(not incl. MXD node)**

Change Request	No. of Comments From within Plan Area	No. of Comments From outside Plan Area
<b>Requests to Lower Densities</b>		
1. Lower the densities near my property; have a more gradual density transition	10	
2. Request to lower the density in a specific area; may include suggestions for alternate locations	12 <sup>5</sup>	1
3. Keep the area rural; lower all plan densities; keep [all] plan densities very low;	6	1
<b>Neutral or Supportive</b>		
4. No concerns for others' designations, or expressions of support; or support for specific parts of the plan area	2	
<b>Requests to Raise Densities</b>		
5. Increase the densities near my property, or in other areas specified in respondent's comments	2	
6. Make the plan overall more urban/suburban; raise overall	3	

<sup>3</sup> One owner suggested reducing it to 50 ft.

<sup>4</sup> Two owners suggested reducing density to 1 du/5 ac.

<sup>5</sup> Includes a request from the Hills of Rosemont Subdivision related to a part of a Cary PDD near Rosemont.

Change Request	No. of Comments From within Plan Area	No. of Comments From outside Plan Area
densities.		
7. Provide more mixed use.	2	
<b>Other Requests</b>		
8. Put more designated preserved open space in the plan; establish large nature preserves.	1	2
9. Don't have land use categories split properties, and/or don't have different land use categories on opposite sides of roads (except for thoroughfares).	2	
10. Concerns about numbers of schools/parks, locations of schools/parks, or requests for more specificity regarding schools; may include suggestions for alternate locations.	3	
11. Avoid noise, lighting, impacts.	1	

The counts above are a simple enumeration of points raised in the collected response forms. A single response form may have raised more than one point, and a single response form may represent more than one person (e.g., a married couple).

**Other:**

- *WakeUP Wake County* submitted a comment that development should be focused where utilities already exist.

**Responses Concerning the Mixed Use Node**

Comment	No. of Comments From within Plan Area	No. of Comments From outside Plan Area
<b>Comments Opposed to MXD Node:</b>		
1. Opposed to the MXD node; opposed to having a MXD node anywhere in Plan area	32	2
2. Change the MXD node to rural densities (e.g., 3 to 5+ ac. lots)	5	
3. The MXD node is too big; reduce the size/intensity of the MXD node	2	
<b>Comments Supportive of MXD Node:</b>		
4. Supportive of the MXD node	1 <sup>6</sup>	1 <sup>7</sup>
5. Would like MXD node to be high-end development; not typical sprawl	1	

The counts in the table above are a simple enumeration of points raised in the collected response forms. A single response form may have raised more than one point, and a single response form may represent more than one person (e.g., a married couple).

<sup>6</sup> Support inferred from a respondent who preferred that the plan area be more urban, higher densities, more services.

<sup>7</sup> Letter received from Chatham County EDC Chair et al.

**Other:**

- *WakeUP Wake County* expressed concerns about the MXD node: Will it be connected to transit? Is it too isolated from other urban areas to be walkable?

**Responses Concerning the ATT Buffer**

Comment	No. of Comments From within Plan Area
1. Opposed to ATT Buffer	23 <sup>8</sup>
2. ATT Buffer should not apply to platted subdivisions, existing lots, homes; unbuilt subdivision lots should be grandfathered; clarify which types of properties would be subject to buffer rules	20 <sup>9</sup>
3. Existing ROW and its buffer is sufficient and provides ample wildlife corridor; Corps property supports wildlife movement already; existing buffer rules are adequate	10 <sup>10</sup>
4. Reduce the buffer width	4
5. Purpose of Buffer is unclear or questioned (e.g., wildlife corridor?, etc.)	3
6. Safety concerns associated with lack of visibility for large buffers	2
7. Integrate the ATT into the community	1
8. Clarify point from which buffer starts; centerline?	1

In addition both the Hills of Rosemont HOA and the attorneys for same submitted comments in opposition to the ATT Buffer on Hills of Rosemont properties. The two parties both raised issues 1-3 in the above table.

The counts in the table above are a simple enumeration of points raised in the collected response forms. A single response form may have raised more than one point, and a single response form may represent more than one person (e.g., a married couple).

**Transportation and Traffic Comments**

Comment	No. of Comments From within Plan Area	No. of Comments From Outside Plan Area
1. Concerned about traffic and congestion from proposed land uses, incl. MXD node; concerns about traffic on NC 751, Lewter Shop Rd.; Green Level West Rd.;	9	2
2. Speed limits are too high on O’Kelly Chapel Rd; Lewter Shop Rd.; unspecified other roads;	4	
3. ATT Crossing on O’Kelly Chapel Rd. is dangerous	3	
4. Concerned about effect of traffic on rural character (e.g., road	2	

<sup>8</sup> Includes comment submitted by the Hills of Rosemont HOA.

<sup>9</sup> Includes comment submitted by the Hills of Rosemont HOA.

<sup>10</sup> Includes comment submitted by the Hills of Rosemont HOA.

Comment	No. of Comments From within Plan Area	No. of Comments From Outside Plan Area
widenings)		
5. Who pays for roadways? How funded?	2	
6. Encourage multimodal transportation options; add multimodal details; plan should address transit, bike routes, trails, etc.		2
7. Plan should include details about long-range transportation infrastructure needs		1
8. People are willing to commute long distances	1	

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**Other:**

- *WakeUP Wake County* expressed concerns about costs for roads due to sprawl.

**Character-of-the-Area Comments**

Comment	No. of Comments From within Plan Area	No. of Comments From Outside Plan Area
1. Concerned about maintaining rural character, incl. country atmosphere, farms, open spaces, horses, etc.	11	1
2. Concerned about development impacts of suburbanization: noise; light; traffic; loss of woodlands and rural areas	5	1
3. Avoid golf courses, cul-de-sacs, sprawl	1	
4. Provide ample open space, natural areas, parks, preserves		1
5. Concerns about suburban residents complaining in future about farm operations	1	
6. Avoid restrictive covenants, too many rules	1	

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**Design-Related Comments**

**Comments from Within the Plan Area:**

- Preserve wooded areas and provide wildlife corridors, esp. to decrease wildlife collisions with cars.
- Wants freedom to use land w/o design guidelines, e.g., for fences, etc. How can design codes avoid suburban feel? How would they apply to existing owners?
- Suburban subdivisions wouldn't fit into the existing environment.

- Avoid noise and light pollution. "We don't like rules and regulations."
- If homes front upon the existing roads require a substantial setback of perhaps 60-65 feet and a "woodlands" strip (natural or planted) along the road. If homes access a new road and back up to an existing road require a woodlands strip of at least 35 feet in width along the existing road.
- Allow for individuality of design, rather than cookie-cutter design. "There are no cul-de-sac's in the country"
- Preserve wooded areas and provide wildlife corridors, esp. to decrease wildlife collisions with cars.
- Provide buffers around any commercial development. Restrict lighting after dark. Keep noise low. Restrict the size and hours of commercial development. Limit density, size of building, parking, paved parking, lighting at night.
- Guidelines need to address what could be placed in the MXD area.
- Protect rural character. No multistory buildings.
- Provide rural buffers between areas of significantly greater densities.
- No clear-cutting and massive re-grading. Work with the trees and the lay of the land. Protect dark skies at night. Require natural areas (other than spray fields!).

**Comments from Outside the Plan Area:**

- Integrate public spaces into proposed developments to reduce traffic on rural streets. Encourage developers to build walkable, sustainable communities that have meaningful/useful/multi-purpose open space. Use TDR to save open space.
- Specify what "MIXED USE" will look like. Have strict guidelines for green development, environment, erosion, impervious surface.

**Watershed and Environmental Comments**

Comment	No. of Comments From within Plan Area	No. of Comments From Outside Plan Area
1. Concerns about Jordan Lake: Stormwater runoff and protecting water quality of Jordan Lake. Impervious surface concerns; pesticides; need to manage development runoff impacts; grading and construction impacts;	13	4
2. Concerned about potential loss of woodlands, natural areas; Plan should [permanently] preserve natural areas and open space	6	1
3. Concerned about development impacts on wildlife and wildlife corridors/movement	5	
4. Use LID stormwater management techniques	1	1
5. Express environmental protection as a Plan goal/priority		2
6. Use clustering and conservation subdivisions (allow smaller lots in exchange for saving more open space)	1	
7. Concerned about addressing the environmental impacts of agriculture	1	



Comment	No. of Comments From within Plan Area	No. of Comments From Outside Plan Area
8. Concerns about ephemeral stream rules; how defined? Who makes stream calls?	1	
9. Do not allow crossings of stream buffers		1

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**Additional Miscellaneous Comments (one bullet per response form):**

- Permanently protect critical watershed areas using conservation easements. Require golf course to treat its stormwater, reduce nutrients. Focus on improving environmental ordinances; adopt Chatham's stormwater ordinances. Trees in wetlands and open space areas should be protected. How will sensitive areas be identified and preserved in the plan? How will BMPs be inspected to check for sedimentation and algae blooms in ponds? Will natural BMPs be given incentives over structural BMPs? Craft a joint watershed protection ordinance. Provide maps showing topo, steep slopes, streams, lakes, wetlands, other water features for the public. Develop plans to monitor watershed impacts.
- Would like the Plan to add specification of creek / drainage buffer zone area, design and maintenance.
- *WakeUP Wake County* submitted concerns and questions: Whose stormwater rules will apply? Cary's or Chatham's? Jordan Lake Rules should apply now. Will Low Impact Development practices be required? Concern about watershed impacts from MXD node. Concern that plan as a whole is not consistent with watershed protection. Water quality of Jordan Lake is top priority.

**Public Utility (Water and Sewer) Comments**

Comment	No. of Comments From within Plan Area
1. Requests to extend the Rural Buffer/Urban Services Boundary further westward	4 <sup>11</sup>
2. Requests to pull the Rural Buffer/Urban Services Boundary in more eastward	2 <sup>12</sup>
3. Allow utility extension beyond the Rural Buffer in case of well or septic failure, however provide more details about what qualifies as a "failure" (one lot? Entire subdivision? Cost? Feasibility?). Allow an owner or subdivision to connect if cost of private system repair exceeds public utility connection costs, if both Cary & Chatham agree.	13

<sup>11</sup> Requests include: (a) A request to provide water and sewer the full length of Hollands Chapel Road from NC751 to Farrington Rd.”; (b) A request to generally increase the size of the served area; (c) A request to keep an entire property within the served area, rather than splitting it; and (d) A request to extend the Urban Services Area out along New Hope Church Road, to Pisgah Church Road;

<sup>12</sup> Requests include: (a) A request that the Urban Services Area not be extended west of NC 751; and (b) A request that the Rural Buffer/Urban Services line be moved back close to the Wake County Line.

In addition both the Hills of Rosemont HOA and the attorneys for same submitted comments matching those in the 3<sup>rd</sup> item in the above table, related to system failure and rescues.

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**Additional Miscellaneous Comments (one bullet per response form):**

- A statement of general support for public for utilities, for economic development.
- A respondent expressed concerns about the capacity of Jordan Lake, and impact of development on water demand during a drought.
- "Bury the power lines."
- "Many of us believe that our area is already out of water."
- "We will never get public sewer or water but will have all the effects of urban sprawl."
- *WakeUP Wake County* submitted concerns about costs of utility extensions due to the plan.

**Comments About Government, Taxation, Regulation, Process**

Comment	No. of Comments From within Plan Area	No. of Comments From Outside Plan Area
1. Comments generally opposed to joint planning with Cary; opposed to Cary's participation in planning for the area	6	1
2. Opposed to any extension of Cary's municipal limits within Chatham	4	
3. Opposed to government regulating what an owner can do with his/her property	2	
4. Generally concerned about municipally-initiated annexation	1	

The counts above are a simple enumeration of points raised in the collected response forms. A single response form may have raised more than one point, and a single response form may represent more than one person (e.g., a married couple).

**Additional Miscellaneous Comments (one bullet per response form):**

- A respondent had questions and concerns about whether the Plan will result in changes to his taxes, property valuation. Will he be rezoned? Will new development regulations be placed on his land?
- One respondent felt that the joint planning process is "a ruse to keep Cary out" [of Chatham].
- One respondent was concerned whether existing lots that are smaller than the plan's land use category will be grandfathered in? "Can they still get septic permits?"
- One respondent was concerned about taxes if annexed.
- One respondent does not like the idea of a binding interlocal agreement/state law governing changes and deviations from the plan. Wants Chatham to be able to change the plan for its jurisdiction w/o input from Cary.
- One respondent wants assurance that Plan will be enforced. "No exceptions."

### Comments About Greenways, Parks, Open Space, and Schools

Comment	No. of Comments From within Plan Area	No. of Comments From Outside Plan Area
1. Opposed to having greenways and trails on Corps land; concerned that wildlife would be negatively affected by having greenways throughout; humans leave trash in the wilderness.	6	
2. Concerned about or opposed to greenways around their subdivision; concerns about privacy, access, safety	2	
3. Comments about schools: identify amount of land needed; the need for schools east of Jordan Lake (elementary, middle, high); target dates for schools	2	1

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#### **Additional Miscellaneous Comments (one bullet per response form):**

- Clarify which parties will be responsible for greenway areas, esp. sections of greenways that won't be constructed by future development.
- "Our children aren't allowed to go to the better Wake Co. schools; can they be?"
- Wake County respondent: Additional active and recreational open space and multi-use trails should be designated on the plan. The map should distinguish between different types of open space (golf, parks, natural, public v. private, etc.). Identify the amount of land needed for parks and recreation facilities.
- Plus several requests to fix the legend symbol for greenways to match the map.

### Miscellaneous Comments

#### **Comments from Within the Plan Area:**

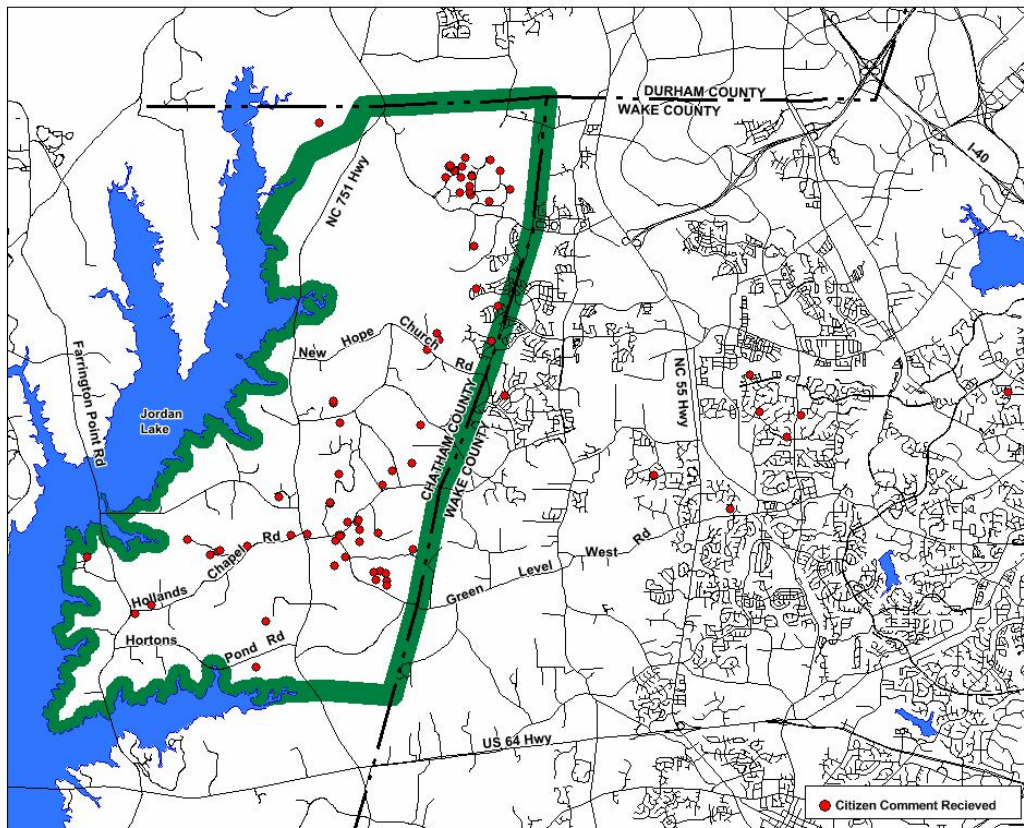
- Chatham needs to take as much advantage as it can of the economic forces at RTP, RDU and surrounding areas.
- Concerned about compatibility of Joint Plan with nearby proposed densities in Cary's Southwest Area Plan. Will SW Plan be modified in future?
- Fix the Legend to specify the same ATT Buffer width as in the Plan Note.
- Confused about the utility service area and how it applies to Progress Energy.
- Will the Plan affect land we own now?
- What is an "individual development project"?
- Provide higher-paying jobs in existing centers -- RTP, Pittsboro.
- Provide information about the 8 du/ac density of the MXD node in the Legend at top left of map, and/or state in the text to see the Notes section for density information.
- Survey all residents within a 2 mile radius of any proposed change at least 6 months prior to deciding on change.

- The marking of the roads on the map is not clear to me.
- Need to address timing of growth.
- The proximity to RTP and the I-540 extension need to be considered very closely.

**Comments from Outside the Plan Area:**

- Assess the pace of growth, availability of water supply.
- Identify the amount of land that land needed for civic uses such as libraries, schools, fire stations, recreational facilities, public works facilities and/or meeting spaces. Growth in housing will create demands for these public facilities. Place these facilities close to planned residential areas, to reduce traffic impacts.
- How will this plan affect Cary's Southwest Area Plan on the border areas? Will the SW Plan be changed?

A map follows that shows the locations from where comments were received.



**End Summary**

Cary Planner Scott Ramage stated there are about 89 responses. Staff has summarized the comments (as contained herein). Staff proposes at the next committee meeting to have maps available based on the comments and go through the data in detail.

Robison asked if the public hearing is a parallel process. Kost and Lucier would like the committee to decide on changes to the plan prior to the public hearing.

Robison stated there are development proposals in the pipeline contrary to the draft plan.

Portman stated the joint boards met in August 2009 and recommended a specific plan to move forward. He asked if both boards will need to meet again to approve a revised plan.

Lucier recalls that public input session information would be put together, and the committee would make appropriate revisions based on input and take the revised plan to public hearing. If any revisions are substantial, then the committee would make a judgment about another joint meeting of both boards.

Kost does not envision the committee making major changes; instead, she thinks major changes would be handled after the public hearing process. She is in favor of the committee making minor changes prior to public hearing. Robinson concurred and stated she considers this exercise to be a refinement, including minor changes. She stated no major changes should be made without the approval of both full boards.

Lucier thinks the committee members can provide feedback to their respective boards about how the group is moving forward.

Portman understands the importance of public participation. He wants the committee to establish a timeline for the group to have a work product to take to public hearing. He stated quite a bit of time has already past since the August meeting of both boards. This issue affects a lot of people. The committee should be sensitive to this and clear on the plan. Staff pointed out that an agenda item for the committee at this meeting includes reviewing the timeline.

Ramage stated in advance of the next meeting the staffs will provide details about change requests to the plan. Kost stated committee members will need to do their homework prior to the next meeting to be ready for this discussion.

Questions about the summarized comments follow:

Lucier pointed out that the number of responses are basically equal based on those who like the plan as is and those who want changes.

Portman asked if any new comments were received. Ramage stated this comment period resulted in feedback from specific landowners making suggestions about the plan.

Kost asked if the "smoothing" of the plan has occurred (i.e., split parcels, etc.). Ramage stated staff has done some smoothing.

Kost asked if Cary has existing language pertaining to rescues (due to well/septic failure). Bailey stated it's allowed if someone requests service and pays the cost to connect.

Kost stated Corps land is wildlife area, and she has heard concerns about people hiking where others are hunting. Ramage stated the hunting concern was not included in the written comments, although there were issues about development related impacts on the area.

Robinson asked the travel distance from the joint plan area to get to the high school on the eastern side of the lake. Kost stated by car it currently takes about 40 minutes. Lucier stated Chatham County has a new high school in their capital plan that's closer (Jack Bennett Road). Kost estimated that the car travel time to this school will be about 20 minutes. They project the school to be completed in 2015. Kost stated middle school students in this area will go to the new school opening this coming fall off of 15-501. Kost stated travel time from the plan area to this middle school will be about 25 minutes.

Kost thinks it important to address the issue of fire protection from a safety protection aspect as well as an insurance rating issue. She stated the joint plan area is more than six miles to the existing fire station.

The committee thanked staff for the manner in which they compiled and organized the comments.

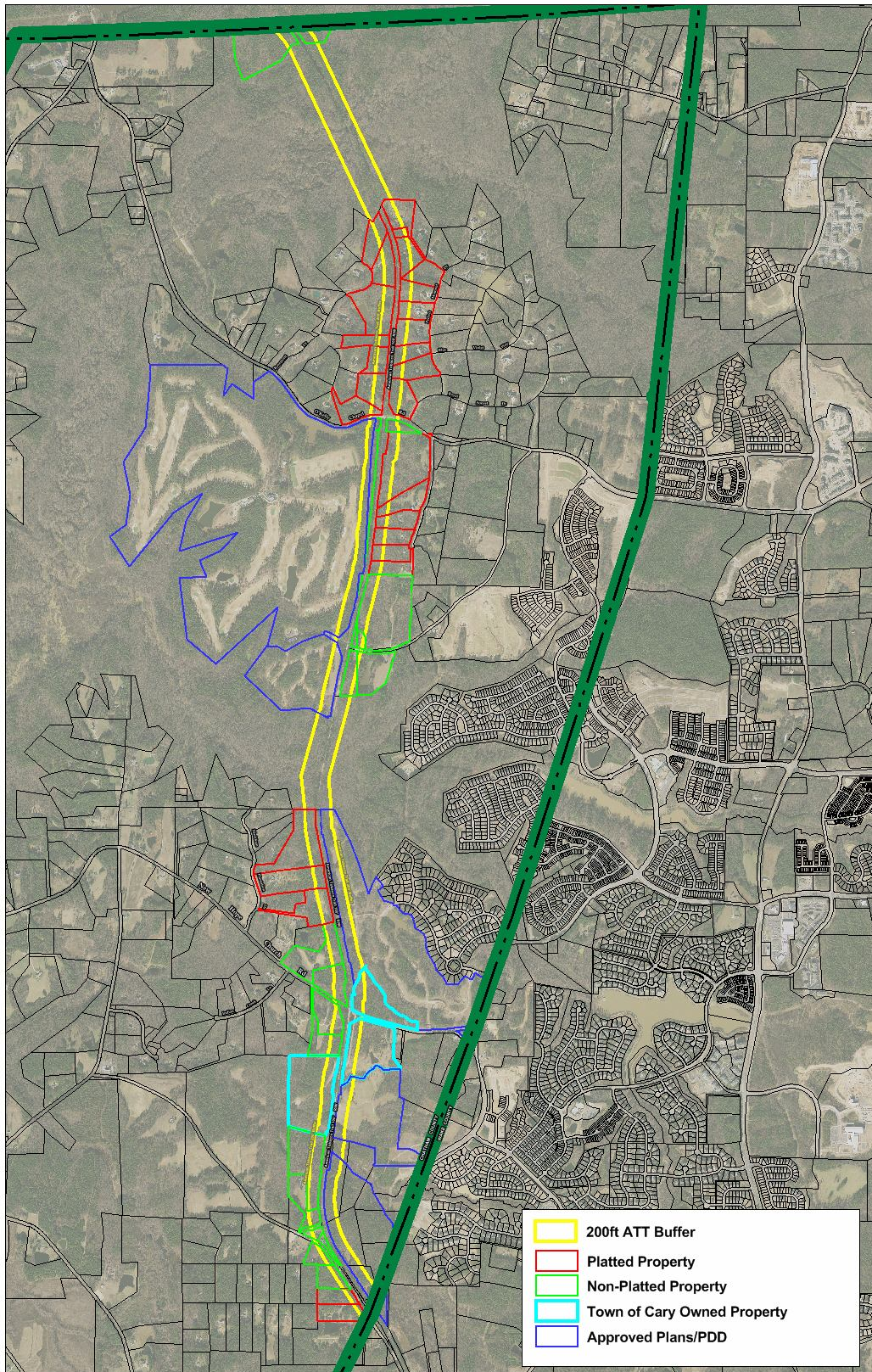
Robison asked if Chatham County has a guideline on open space per capita as a target. Lucier stated they have a compact community ordinance, which includes a requirement that requires at least 30% of land must be in open space. They also give density bonuses to developers who maintain open space (i.e., cluster developments). He stated this is done on an individual basis, and there is no overall county-wide designation. He stated they also have a farmland preservation program they're beginning to implement.

Robison mentioned a recent inter-city visit to Markham, Ontario, Canada. She stated they have rural and farmland designations, which seem to be similar to the rural buffer zone concept. She explained Ontario's concept, and Lucier stated Chatham's farmland preservation initiative is very similar and it's the farmer's choice regarding how their land is designated.

Kost stated it may have been premature to discuss transfer of development rights (TDRs) as part of this joint planning process, but she's glad the group discussed the topic since it's on Chatham County's legislative agenda and it is in their farmland preservation plan.

American Tobacco Trail (ATT) buffer:

The ATT buffer map follows.



Kost asked the purpose of the purpose area shown on the map near the golf course. She stated the roads are there and the lots are platted. Ramage stated the property data is not in the Chatham County GIS system, and the color may be red now. Kost concurred that this color should be red on the map. Ramage stated staff will revise the map in the near future to reflect current state.

Robison asked about areas where there is no designation (i.e., south of the golf course). Staff noted this area is Corps land.

Chatham County Director of Sustainable Communities Development Cynthia Van Der Wiele stated the current proposal is for a 200-foot buffer on each side of the ATT. She stated professors at NCSU have recommended a 400-foot buffer on both sides of the trail to preserve tree canopy and wildlife.

Robinson asked who opposes the 200-foot ATT buffer. Chatham staff and officials stated it was basically the Hills of Rosemont, Markham Plantation and Chatham Glen.

Kost is concerned with imposing a 200-foot buffer on land that's already platted. Robinson stated this committee needs to establish priorities. She suggested giving permission for a smaller buffer on lots that are already platted if necessary. Kost stated people who live in some places adjacent to the ATT will not even be allowed to build a storage shed. Robinson doesn't understand someone buying on the ATT and then wanting to clear to the trail. She stated if the homes that are already adjacent to the trail do not need to comply with a 200-foot buffer, then there will be a suburban feel along the trail. She would prefer to deal with situations that arise for these homeowners on a case-by-case basis. Kost stated she would have never agreed to a 200-foot buffer that's applicable to lots that are already platted, and she will not support it.

Chatham Planner Jason Sullivan stated the existing ATT buffer in Chatham County is 50 feet from the centerline of the trail to the edge of the right-of-way, for a total of 100 feet.

Portman asked about requiring a buffer without compensation for existing developed land.

Cary Planner Ricky Barker stated in Cary 50 feet has been the standard buffer along the ATT. He stated within the conservation overlay district, the minimum has also been 50 feet along the ATT. He stated if the governing bodies implement the buffer requirement by ordinance, then these buffers are implemented through development plans and do not apply to existing platted lots.

Lucier suggested requiring a 100-foot buffer on either side of the trail for new development, and seeking voluntary agreement with landowners whose lots are already platted.

Portman asked if Cary staff currently gets a 50-foot buffer along the ATT property plus the 50-foot buffer on both sides of the trail. Barker stated this is true if people wish to increase the density on their site (i.e., through a rezoning or conservation overlay). He stated this additional buffer is not a requirement for development, but the basic 50-feet on both sides of the trail is required.

Portman stated the purpose of the plan is to be prescriptive for the future. He stated it defines that the right-of-way is protected from future development, but it does not place responsibilities on existing development. He stated an existing subdivision with homes will not need to worry that government will tell them they can't use a portion of their lot. He stated for land not yet subdivided, if this plan passes and an ordinance is implemented, then that future subdivision would have to comply with the ordinance requirements.

Chatham County staff showed several depictions of the current state of the ATT.



Robinson stated there appear to be about 15 to 16 undeveloped properties remaining on the ATT. She questioned requiring 200 feet when the other properties along the trail have a 50-foot buffer.

Lucier prefers 100 feet total for new developments. He stated in addition the conservation subdivision ordinance will (voluntarily) allow another 50 feet.

Kost clarified that this refers to the areas on the map outlined by lime green. Everyone concurred.

Lucier reiterated that this only applies to new subdivisions. If someone has a large lot and they do not subdivide it, then they're not impacted by this buffer rule.

Portman asked if the committee wants to enforce a wider buffer on the properties not yet developed. Lucier prefers 100-feet from the centerline on each side for the properties not yet developed if they submit a subdivision request, but the committee needs to hear about this at the public hearing.

Kost stated an area of concern is the former site of a potential Catholic school. She stated the developer is contemplating changing this to residential, and the land is already annexed and is part of the Weldon Ridge development. She asked how Cary will deal with this situation.

Portman stated there is no joint plan in place, and this plan doesn't apply to anything submitted prior to plan adoption. He stated if both elected bodies eventually decide on a 100-foot buffer, then that would be required for new developments (i.e., site/subdivision plans) after the ordinance goes into effect.

Barker stated Weldon Ridge is going through a rezoning process and could be subject to ensuring they have 50 feet through the rezoning process.

Portman stated as this plan become more concrete in the pre-adoption stage, it gives the staff the ability to advise applicants of the plan requirements.

Robinson asked what Chatham County does for parkland acquisition and if there is any potential parkland targeted east of the lake. Lucier stated Chatham officials need to address school/park issues in this area. He stated they do have a draft recreation master plan and an active land-banking and payment-in-lieu program. They work hard to co-locate parks and schools. Kost added that the property on the east side of the lake is often cost-prohibitive for land-banking purposes.

Portman clarified the ATT assumptions and stated the map shows a 200-foot buffer on either side of the centerline (yellow line) of the trail for a total of 400 feet. Ramage replied that the map shows 200-feet from the right-of-way, which is about 250-feet from the centerline. Portman stated the yellow lines are about a 500-foot cross section. He stated the committee recognizes that a 100-foot buffer is already protected along the trail, so of the 500-feet, 100 feet of that is already protected. He stated there's been discussion about expanding that an additional 50 feet, subject to a land development ordinance that would incent people to do that, but it would apply to existing platted property. Everyone unanimously concurred.

#### Legislative Agenda:

Kost stated the Chatham commissioners met with House Speaker Hackney and Senator Atwater last week about mutual legislation that requires Chatham and Cary governing board agreement to make any changes to the joint plan. She stated this legislation will include the plan map and the future design standards. She asked that Cary seek this same support from their local delegation. Chatham and Cary attorneys will draft the legislation. Chatham County has approved their legislative agenda, which includes this item. Cary will include this on their legislative agenda.

Portman read an article in the newspaper questioning why either governing board would want to give up their sovereignty. He stated this misses the point. He stated both governing bodies have decided to collaboratively work together to develop this joint plan. He says it only makes sense that both boards share in the approval of and amendments to a joint plan.

#### Joint resolution regarding speed limit at ATT crossings on O'Kelly Chapel and New Hope Church Roads

Cary Town Manager Shiver does not see a problem with Cary making a speed limit reduction request to the Department of Transportation (DOT). However, DOT may not want to do it. Kost wants this done jointly with Cary and Chatham. Shivar suggested a more comprehensive resolution to DOT addressing additional measures in addition to a speed limit reduction may be helpful (i.e., advisory signs, rumble strips, advisory speed plates, etc.).

Chatham County Planner Ben Howell has spoken with the DOT Division 8 traffic engineer, who said a letter or resolution is acceptable to them, and it would trigger them adding roads to their study list. The DOT engineer stated there is very little likelihood of DOT changing the speed limit. Howell added that these roadways have been studied on schedule by DOT about every three years. DOT considers these roads as rural, and they do not see any purpose in lowering the speed limit.

Lucier wants to draft a resolution, which includes a request to reduce the speed limit and other speed reduction suggestions, which will be approved and signed by both boards. He suggested a cover letter be sent with the resolution explaining that both boards have unanimously agreed to the resolution and encouraging DOT to move forward. He also suggested sending the letter and resolution to the legislative delegation, who can help pressure the DOT to make these changes.

Portman stated it needs to be clear in the resolution to DOT that the pedestrian traffic should be taken into account, because it changes the character of the rural road. He stated this adds a compelling safety issue that should be addressed.

Bailey stated Cary staff will prepare a resolution and share it with Chatham County staff. He stated the Cary staff will cover Division 5 as well as Division 8, because Cary has other crossings to consider as well. He stated Cary can separate these issues if necessary. Lucier thinks there is power in a joint resolution unanimously agreed to by both boards.

Kost clarified that the Cary resolution will include many things that are Division 5 (Wake County), so it might be better for Chatham County to only weigh in on the issues that affect Division 8 (Chatham County). She is not comfortable weighing in on Division 5 issues.

Bailey stated Cary will have a resolution ready for the March Cary operations committee meeting.

Robison asked if the trailhead issue will be addressed separately in the future. Staff stated there is a plan for a trailhead at New Hope Church Road. Robison stated staff should not delay the DOT resolution due to the trailhead issue. Kost stated New Hope Church Road is a concern, but O'Kelly Chapel Road is her top concern, because that is the route to the shopping center, it's on a narrow, blind curve, and it's very dangerous.

***Robinson left the meeting at 11:38 a.m.***

#### Timeline for outstanding work:

Robison suggested that staff schedule one monthly two-hour committee meeting beginning in late/February or early March and going through August, just to ensure the time is on the calendar to work through plan adoption and other outstanding issues. She stated the committee will review

a geo-based comment analysis at the next meeting. She suggested the April agenda include a discussion of syncing design principles; the public hearing will be conducted in May; the planning boards will meet in June; and both boards would consider adoption in July.

Portman wants to complete this work by August.

Ramage asked for direction on the plan document that does not yet exist. The committee directed the staffs to jointly begin drafting that document and the design principles.

Portman wants the committee to be prepared to discuss the mixed use area at the next meeting if time permits.

The committee agreed that the next meeting might take three hours.

Robison stated the tax issue and revaluation and cell phone access in the area are still outstanding and need to be addressed.

Kost stated the 751 Assemblage is not a joint issue, but the committee did say Cary would weigh in on it to decide their recommendations to the county or city. She stated Chatham County has already done this. Robison stated Cary needs to understand Chatham's official position. She stated this committee needs to understand the impact of the 751 Assemblage on this joint plan.

The staffs will work to determine a meeting schedule for the committee.

The meeting concluded at 11:50 a.m.