

Chatham County/Cary Joint Issues Committee Meeting
January 13, 2011
9 a.m.
Cary Fire Station #7, 6900 Carpenter Fire Station Road, Cary, NC

Members Present: Brian Bock (Chatham County), Walter Petty (Chatham County), Pam Stewart (Chatham County), Ervin Portman (Cary), Julie Robison (Cary) and Jennifer Robinson (Cary) (Robinson arrived late, and her arrival time is noted in the minutes)

The PowerPoint presentation for the meeting is attached to and incorporated herein as **Exhibit A**.

I. Call to Order

Robison called meeting to order and welcomed the new Chatham County members.

Robinson arrived at 9:13 a.m.

II. Introductions

Committee members introduced themselves.

III. Approval of Agenda

ACTION: Robinson moved to approve the agenda; Bock provided the second; members unanimously approved.

IV. Approval of Minutes

ACTION: Portman moved to approve the August 19, 2010 committee minutes; Robinson provided the second; members unanimously approved the motion.

Members agreed with the clerk preparing summary minutes for this meeting and for future committee meetings.

V. Discussion of Scope and Role of Committee

- a.** Brief History of committee and original scope

Refer to Page 3 of Exhibit A.

- b.** Committee discussion and affirmation of desired scope

Members discussed the original scope and agreed with the following new scope:

- Joint land use plan
- Environmental protection and stormwater study
- Implement: zoning, rezoning, annexation
- Western Wake Wastewater Treatment Facility
- Transportation
- Continue updates as needed on regional planning efforts

VI. History of Joint Area Planning To-Date

- a.** From original joint resolutions to formation of the Joint Issues Committee (JIC)
- b.** Work of the JIC

- c. Resolved plan issues
- d. Unresolved plan issues

Refer to Pages 5-24 of Exhibit A.

VII. Key Questions About the Joint Area Planning Effort

- a. Does the committee wish to continue the joint planning effort?
- b. From what point in the process to date should we resume a joint planning effort? (Should any decisions to-date be revisited?)
- c. Are there any additional plan issues, not previously identified?
- d. Are there any modifications to project scope? (e.g., design guidelines, joint bill?)
- e. Should we maintain the previous roles of the joint staff and the committee in resolving planning issues? (i.e., Staff moderates and informs the issues, but does not bring forth recommendations)

Refer to Section V.b. of these minutes for the committee's revised scope of work.

Robison suggested that members review the summary of citizen comments from the February 4, 2010 committee minutes prior to the next committee meeting.

Bock wants to revisit the level of plan detail. He believes Chatham County citizens are concerned with Cary's level of input into the Chatham County plan. He thinks a joint plan is in Chatham's best interest, and he would like a less detailed, more flexible plan.

Robinson sees two different potential processes: (1) a process that requires both governing bodies to approve a change to the plan, or (2) a process in which requested plan changes are submitted to the Town of Cary, and Cary solicits comments from Chatham County (like we currently do for annexations), with Cary having approval authority.

Chatham County Planner Howell suggested if the committee concurs with a more "water color plan" with less specificity, then there may be less need to change the plan in the future. He believes it is important to have a joint plan that requires the approval of both elected bodies.

Bock does not want to be in the predicament of needing Cary's approval to build a school in the Chatham County plan area (as an example). Cary Planning Director Ulma suggested that these types of issues be handled by having broad definitions of land uses that are allowed within the various zoning districts.

Portman stated municipal boundaries change over time as citizens request municipal services, but county lines do not change. He believes there will be future development pressures in this area because of I-540 and the desirability of the area. He also believes Cary has a responsibility to plan how to serve this growth area.

Portman stated the committee can agree to a true joint plan that requires the approval of both boards to change the plan, or Cary and Chatham County can each have their own separate plans. He thinks the joint plan is ideal. He believes separate plans could work, but he thinks it would mean the committee effort failed.

Stewart suggested that the first point of contact to seek an amendment to a joint plan be Chatham County, since the land is in Chatham County. She understands that state law gives landowners the right to initially approach the municipality.

Cary Town Manager Shivar understands the attention this joint planning effort has received. He thinks this plan should be consistent with other planning efforts across the state. He stated Cary

is no different than any other NC municipality within a county (i.e., Cary in Wake County, etc.), and he believes this process should be consistent with other processes across the state.

Chatham County Manager Horne stated a plan line creates a political boundary. Howell added municipalities typically have extra-territorial jurisdictions (ETJ) and have planning authority over these areas. He added that municipalities normally do not annex outside their ETJs. He stated Cary does not have ETJ in Chatham County. He stated people bought land in Chatham County understanding it was rural and not expecting Cary to have any authority over them. He stated property owners over the years have requested annexation into Cary, resulting in Cary growing into Chatham County. He thinks this is one of the main reasons the joint planning effort began.

Portman stated in effect a joint plan would serve as ETJ. Portman stated the rural vs. urban conflict is natural, because some citizens are against it while others want to be annexed into Cary.

Robinson stated the rural buffer line would actually be the ETJ. She stated both boards could agree that Chatham County approval would be sought any time Cary wanted to change the rural buffer line. Other than that situation, Chatham County approval would not be necessary. Portman stated this process could be used if the governing boards do not adopt a joint plan. He thinks a joint plan is more advantageous because it allows shared vision.

Members unanimously agreed to proceed with the committee's joint planning efforts. They individually provided the following comments:

Petty would like the plan to be broad enough to address Chatham County's concerns and protect areas in the plan, but flexible enough to allow Cary to expand into Chatham County if warranted by a citizen request. He does not think some people understand that development that has occurred has been at the request of land owners. He stated growth will occur, and the best tool is to manage it.

Robinson suggested using Plan 5 (the plan both boards supported at the joint meeting of the governing bodies in 2009) at the next meeting. She also suggested that staff make available to committee members the list of citizen comments, and she urged the committee members to review them prior to the next committee meeting. She would like staff to broadly go over the citizen comments at the next meeting. She supports jointly devising a plan and thinks it will be important for the committee to decide how to manage the plan over time.

Bock thinks it is in everyone's best interest to have a joint plan.

Portman supports going back to Plan 5 and focusing the committee's efforts on adopting a land use plan.

Stewart wants to review what has happened with the planning process to-date. She thinks it is important to educate citizens. She supports moving forward with developing a joint plan.

Robison stated her agreement with the above comments about moving forward and developing a joint plan.

VII. Next Steps

- a. Date(s) for future committee meetings
- b. Designation of committee co-chairs
- c. Topic(s) for the next committee meeting
- d. Staff revision of the project schedule for the Joint Area Plan

Members agreed to meet on Wednesday, February 16, 2011 at 9 a.m. Chatham County staff will secure the location. At the next meeting the staff will present Plan 5 and a broad recap of the citizen comments. The committee will also designate co-chairs at the next meeting.

Robison asked staff to provide committee members all map proposals considered by the committee to-date prior to the next meeting.

Robison adjourned the meeting at 11:07 a.m.

EXHIBIT A

Chatham-Cary Joint Issues Committee

January 13, 2011

Agenda Item V.

Scope and Role of the Committee

- **Joint Issues Committee was formed at the May 13, 2009, Joint Meeting of the Board of Commissioners and Town Council**

Original Topics for Committee Action

1. Planning & Development

- The Joint Land Use Plan
- Environmental Protection & Stormwater Study
- Implementation: Zoning, Rezoning, Annexation

2. Infrastructure

- Western Wake Wastewater Treatment Facility
- Transportation (Roads)

3. Regional Planning & Coordination

- Transportation Planning – DCHC MPO
- Joint Planning with Orange County

4. Miscellaneous Items

- Tax Issues – Revaluation Cycle
- Transfer of Development Rights (TDR) Legislation for Chatham County Jurisdictions

Discussion:

Scope and Role of the Committee

- Any changes, additions, or deletions to the scope of the committee?

Agenda Item VI – History of the Joint Land Use Planning Effort

Milestone	Date
Cary Land Use Plan (1996). Includes areas within Chatham. Coordination w/ Chatham Planning Dept. & Econ. Development Dir.	Nov. 11, 1996
Southwest Area Plan. Responding to Chatham concerns, Cary excludes portions of Chatham from the area plan study.	Summer 2003
Joint Board-Council Meeting. Agreed to work on a joint plan.	Mar. 22, 2004
Joint Planning Delayed. Chatham advises Cary they are too busy with other projects to work on a joint plan	July 2004
Joint Resolutions passed by Chatham and Cary for development of a Joint Plan by Sep. 2006, and a moratorium on annexations.	Dec. 12 & 15, 2005
Joint Community Meeting #1. Kick-off community meeting.	June 7, 2006
Joint Community Meeting #2. Joint Staff presents Plan Option 1 and Plan Option 2 for public feedback.	Oct. 17, 2006

History of the Joint Land Use Planning Effort

Milestone	Date
Joint Work Session #1. Commissioners & Council review a Revised Joint Staff Draft Plan.	Feb. 20, 2007
Chatham BoC Public Hearing. BoC holds their own public hearing on the joint staff Draft Plan	April 17, 2007
Chatham BoC Draft Plan. BoC proposes their own plan to Cary	May 7, 2007

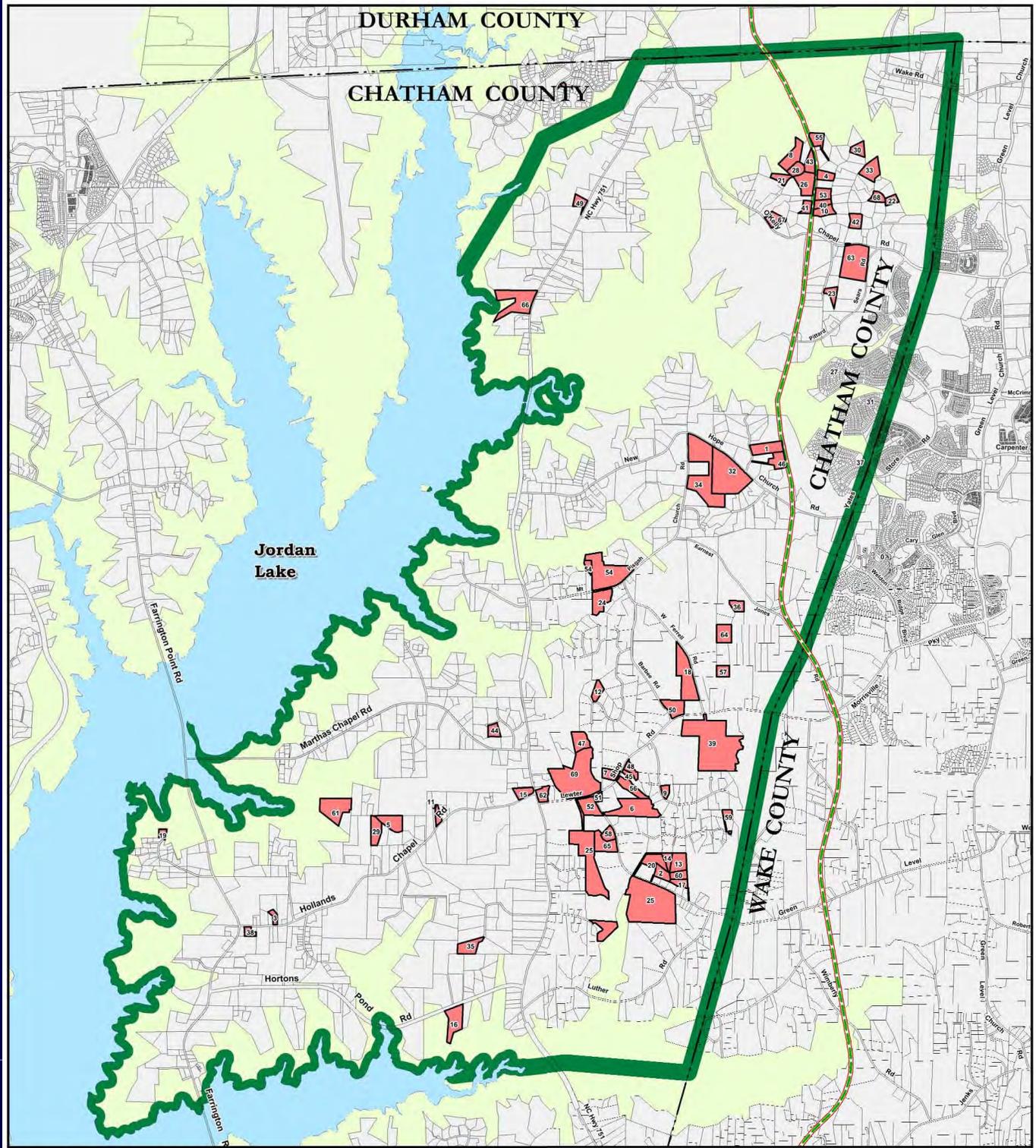
History of the Joint Land Use Planning Effort

Milestone	Date
Watershed Impact Model. Cary-initiated study of the relative stormwater runoff impacts for the Joint Staff Plan and the BoC Plan	Dec. 2007 to Dec. 2008
Joint Work Session #2. Commissioners and council appoint JIC. JIC to report recommendations by September 2009.	May 13, 2009
JIC Meetings 1-5. JIC develops draft Plans 1, 2a, 2b, 2c, 3, 4a, 4b, 5	June-Aug. 2009
Chatham BoC Community Meeting. Held by Chatham only.	Aug. 2009
Joint Work Session #3. Council and Commissioners review JIC's Draft Plan #5. Draft Plan #5 sent to joint community meetings.	Sep. 17, 2009

History of the Joint Land Use Planning Effort

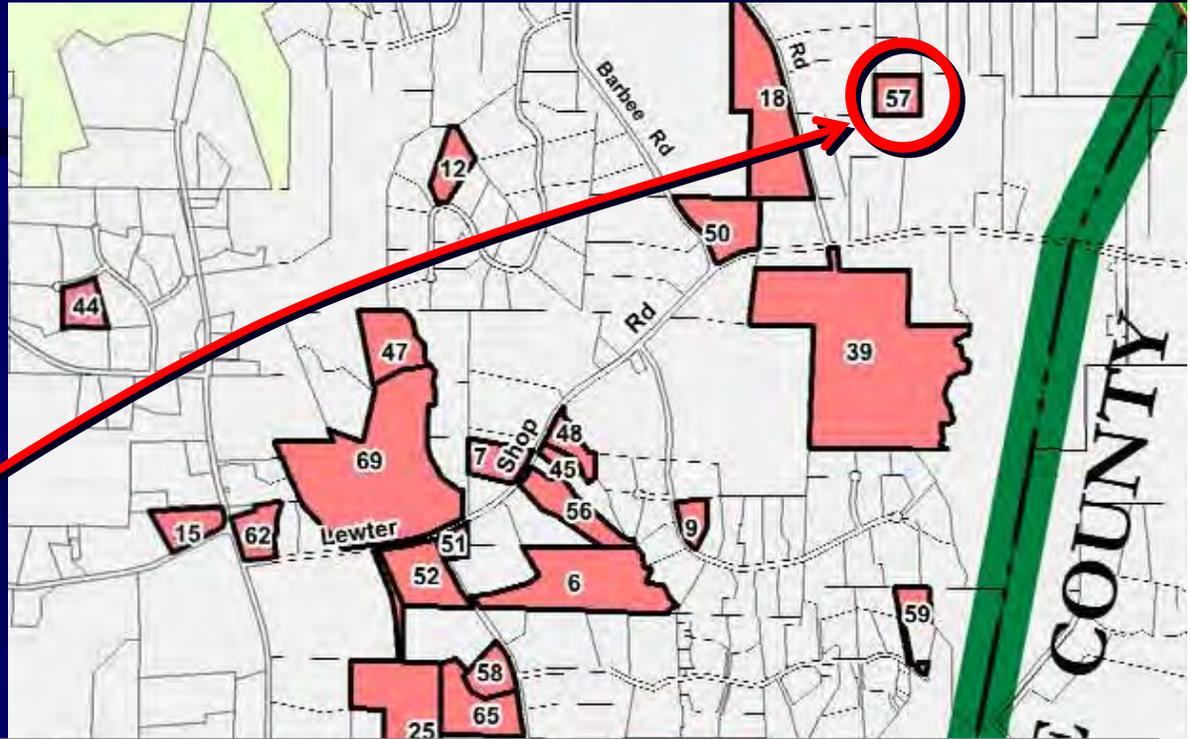
Milestone	Date
Joint Community Meeting #3. Draft Plan #5 presented to public.	Nov. 18 & 30 2009
Joint Subcommittee Meetings #6 and #7. Staff provides overview & detail of public input. Comments mapped.	Dec. 11, 2009 & Feb. 4, 2010
Joint Subcommittee Meeting #8. Begin discussions of citizen map change requests from Nov. 2009 meeting. Presentation by CCP on Conservation Plan. JIC requests more environmental info.	Mar. 18, 2010

Commenting Properties From Nov. 2009 Community Meetings



Commenting Properties

- Each Property Was Indexed To A Summary Comment Table

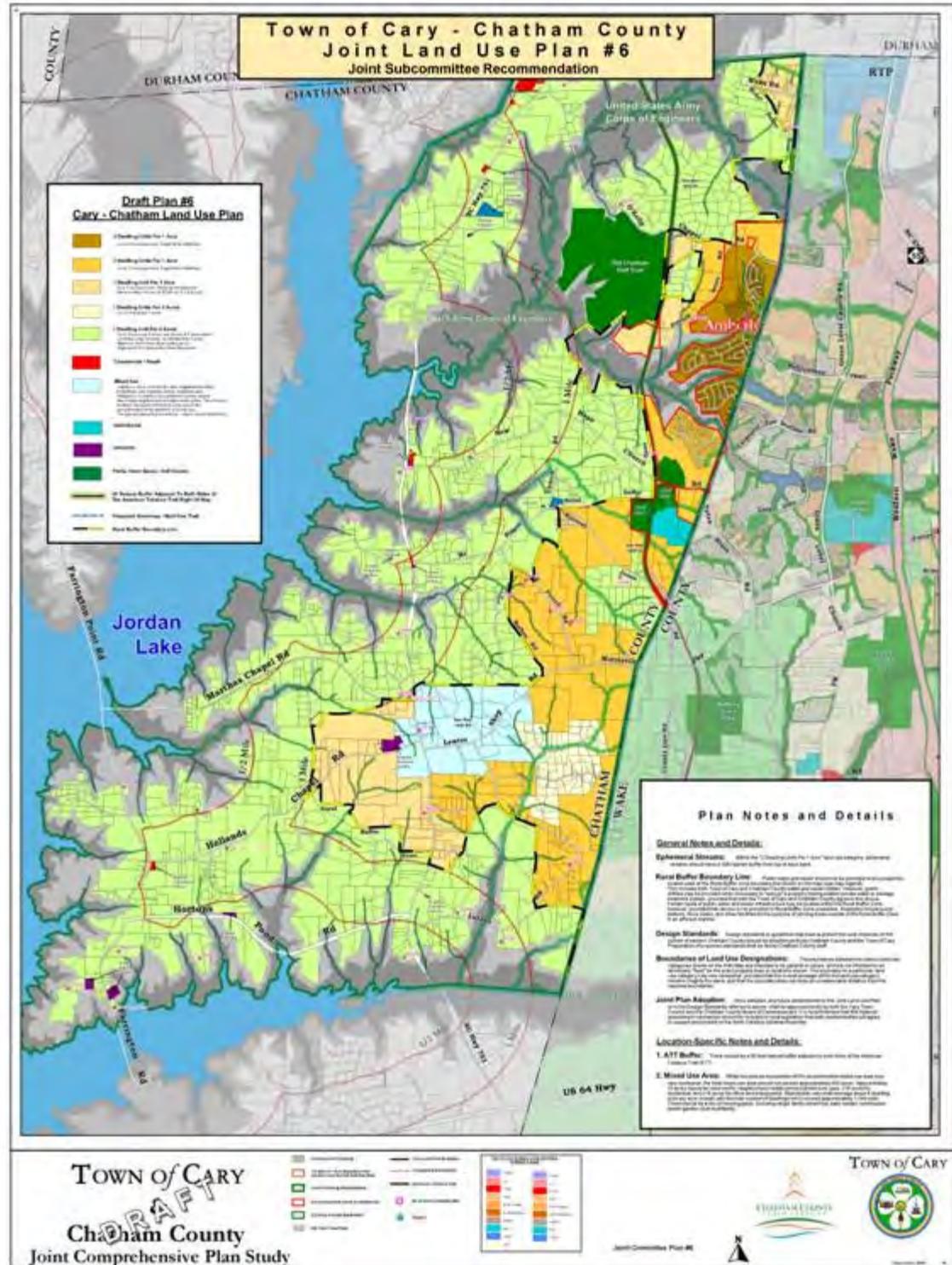


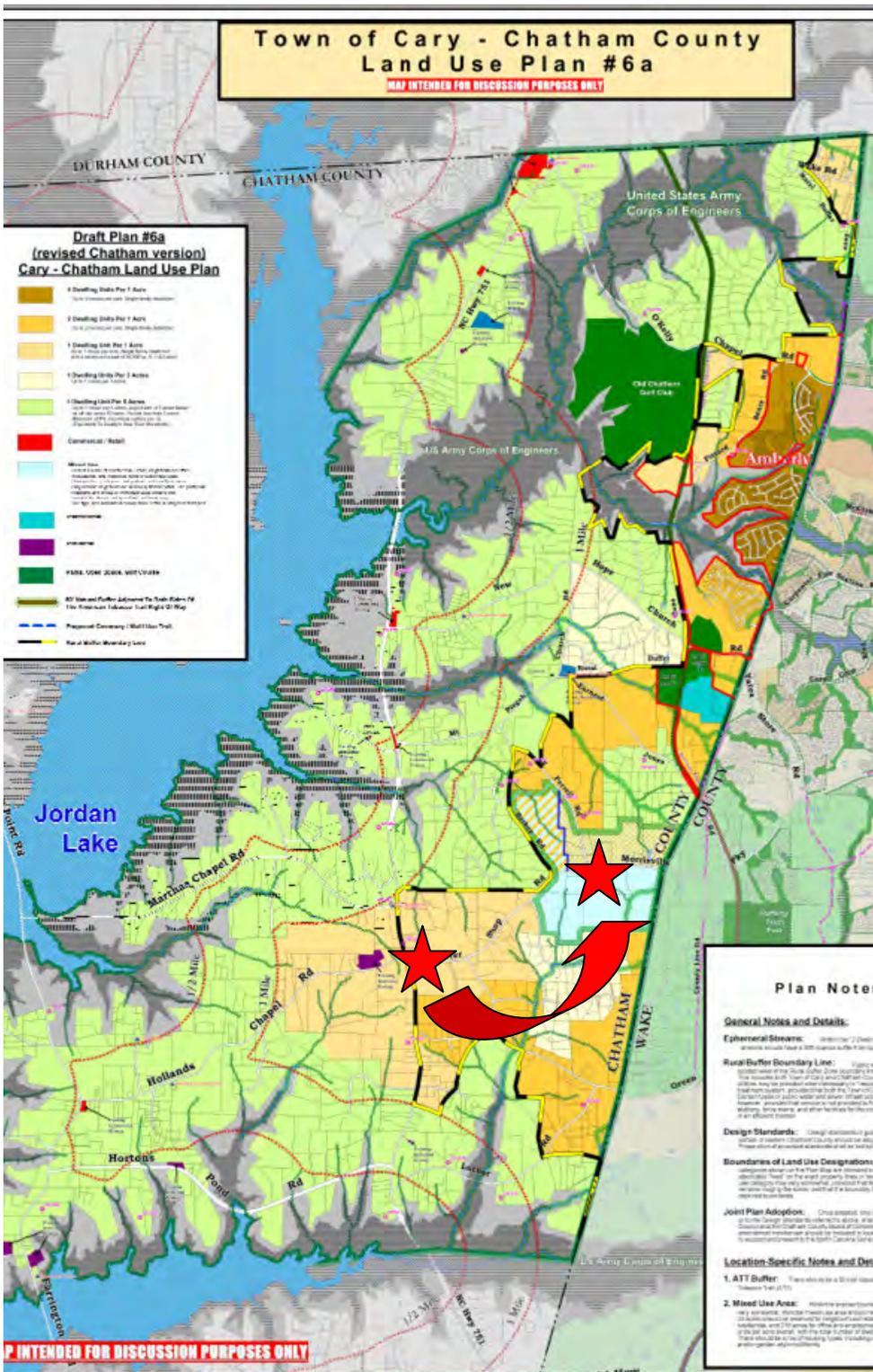
				CITIZEN COMMENTS BY TOPIC —			
Map Index Number	Owner Name	Approx. Acreage	Physical Address	Requested Land Use Changes (for Respondent's Property)	Requested Land Use Changes (for Others' Property)	Mixed Use (MXD) Node	ATT
55	Dave Swanson	6	80 Topaz Jewel Court Durham, NC 27713 (Hills of Rosemont)	Opposed to ATT Buffer on his property.			Opposed to Wants exist grandfather
56	Bette W. Toma	8.9	664 Lewter Shop Rd.	I do not want my land designated as MXD node use in Joint Land Use Plan		I do not want my land designated as MXD node use in Joint Land Use Plan	
57	Herb Underwood	5.2	527 Turtle Creek Farm Rd.		Move the school and park away from Turtle Creek Farm subdivision. Light, traffic, noise will impact our neighborhood. Move them to a more dense area, where we won't be told to stop target shooting because of a nearby school.		
58	Jane Warburton	6	354 Green Level Rd., Apex	Change from 2 du/1 ac to 1 du/5 ac. For their property.	Prefers a designation of 1 du/5 ac. For properties surrounding theirs. Opposed to school on Green Level Rd.	Opposed to MXD node.	
59	Joseph White	3.5	863 Neodak Rd., Apex		My property is 1 du/3ac, but I'm adjacent to 2 du/ac.; this is too great a transition. Provide rural buffers.		

History of the Joint Land Use Planning Effort

<p>Joint Subcommittee Meeting #9. Cont. discussion of citizen change requests, rural buffer, MXD node. Resolved Greenways, Trails, & Schools issues. Endorsed plan document outline.</p>	<p>April 15, 2010</p>
<p>Joint Subcommittee Meeting #10, 11, 12. Cont. discussion of citizen change requests; rural buffer; MXD node definition, size, location. BoC members propose Plan Map 6A. Cary proposes 6B.</p>	<p>May 18, 2010</p>

New Plan Draft #6 (May 2010)





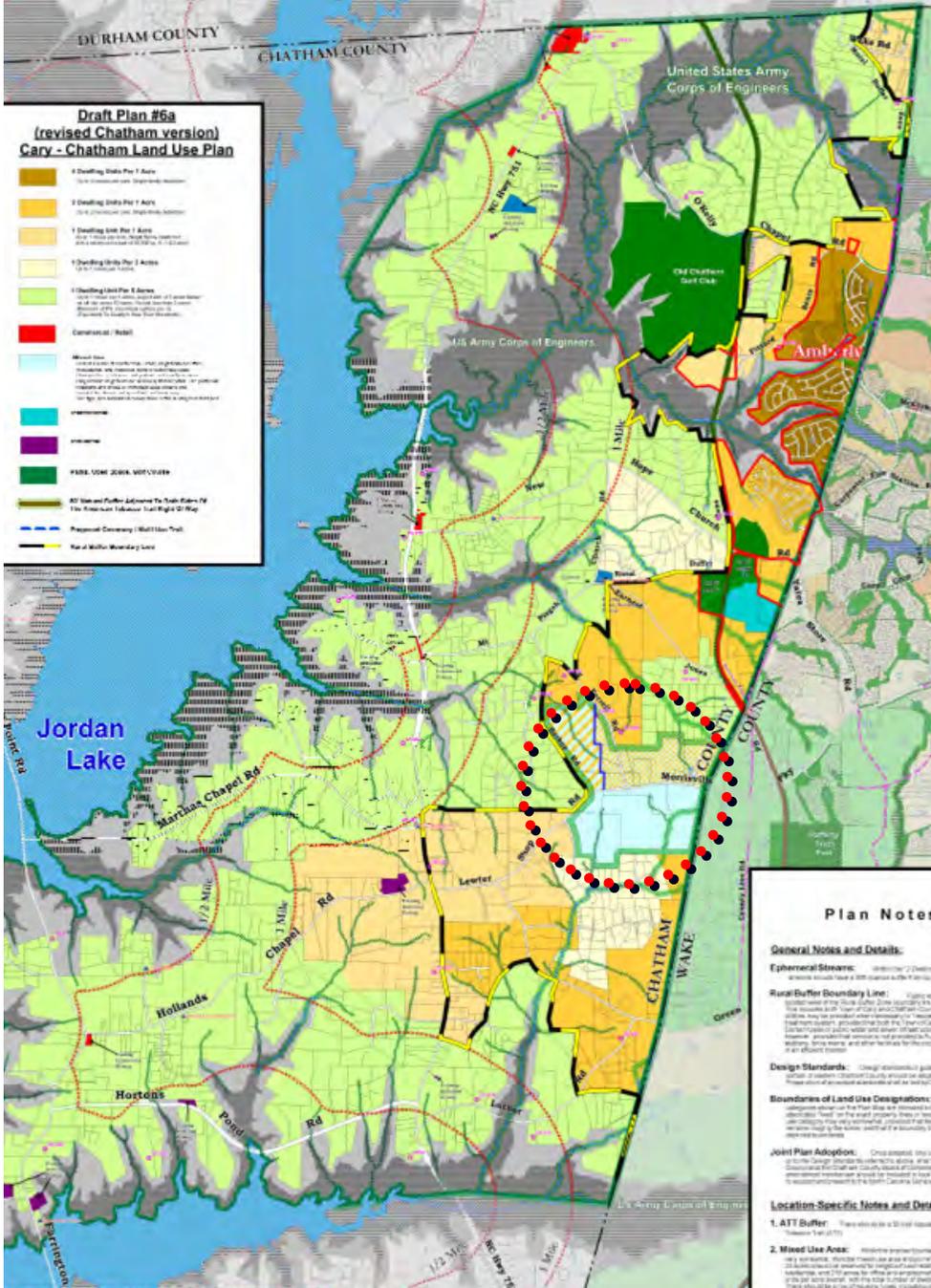
Chatham Plan 6A

(May 2010)

- Moves MXD Node Eastward
- Assigns New Densities To Original MXD Site

Town of Cary - Chatham County Land Use Plan #6a

MAP INTENDED FOR DISCUSSION PURPOSES ONLY



**Draft Plan #6a
(revised Chatham version)
Cary - Chatham Land Use Plan**

- 4 Densities Per 1 Acre (Lowest Density per Acre)
- 3 Densities Per 1 Acre
- 2 Densities Per 1 Acre
- 1 Density Per 1 Acre
- 0 Density Per 1 Acre
- 0 Density Per 8 Acres
- Commercial / Retail
- Water Use
- Intermittent
- Perennial
- PARK USE 2004, NOT 2008
- RT Right-of-Way Addition To Right-Of-Way
- Proposed Conveyance / Build-Out Trail
- Map of Water Boundary Line

Plan Notes

General Notes and Details:

Epheral Streams: [Description]

Rural Buffer Boundary Line: [Description]

Design Standards: [Description]

Boundaries of Land Use Designations: [Description]

Joint Plan Adoption: [Description]

Location-Specific Notes and Details:

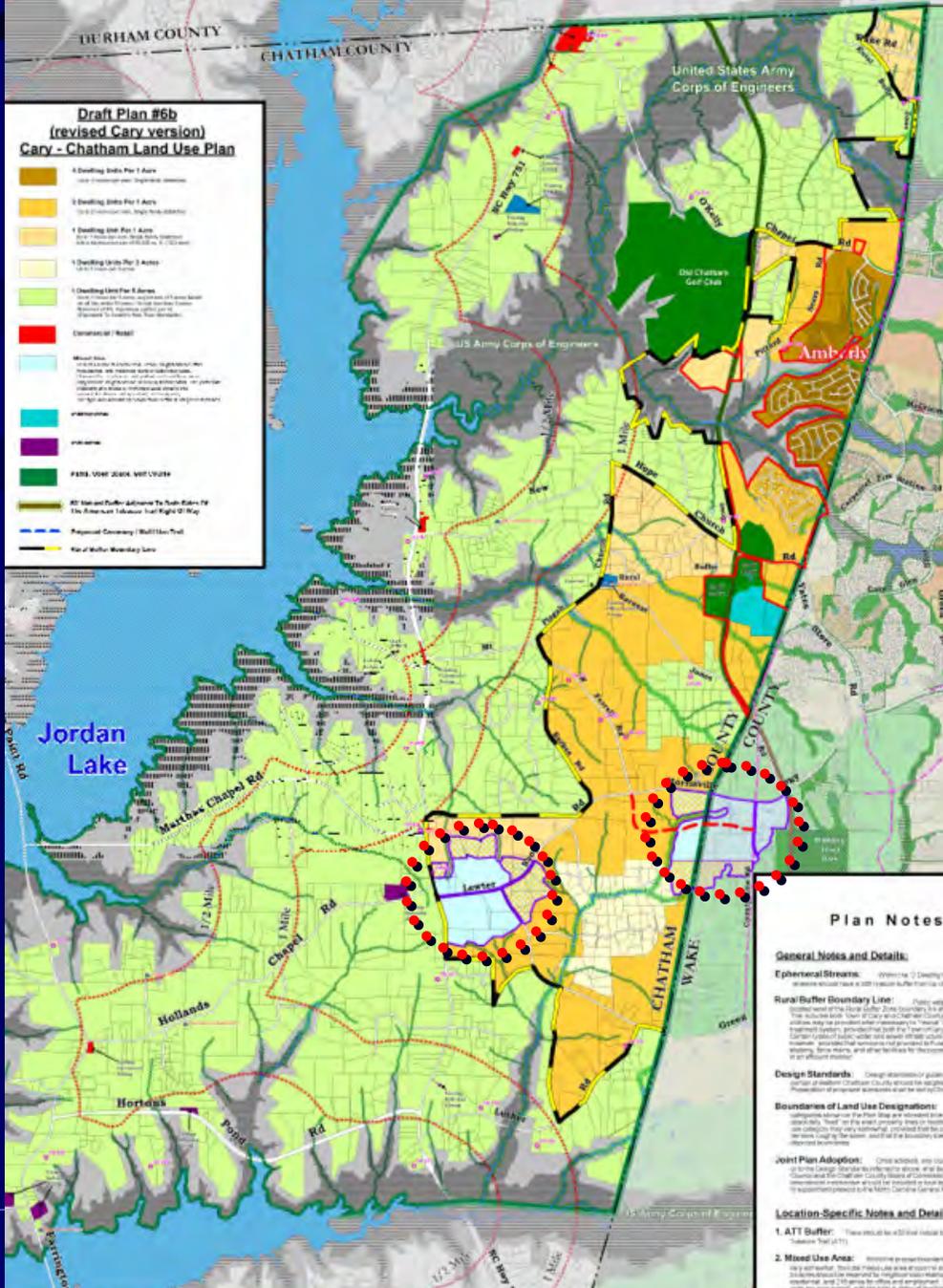
1. ATT Buffer: [Description]

2. Mixed Use Area: [Description]

MAP INTENDED FOR DISCUSSION PURPOSES ONLY

Town of Cary - Chatham County Land Use Plan #6b

MAP INTENDED FOR DISCUSSION PURPOSES ONLY



**Draft Plan #6b
(revised Cary version)
Cary - Chatham Land Use Plan**

- 4 Densities Per 1 Acre (Lowest Density per Acre)
- 3 Densities Per 1 Acre
- 2 Densities Per 1 Acre
- 1 Density Per 1 Acre
- 0 Density Per 1 Acre
- 0 Density Per 8 Acres
- Commercial / Retail
- Water Use
- Intermittent
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Plan Notes

General Notes and Details:

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Joint Plan Adoption: [Description]

Location-Specific Notes and Details:

1. ATT Buffer: [Description]

2. Mixed Use Area: [Description]

MAP INTENDED FOR DISCUSSION PURPOSES ONLY

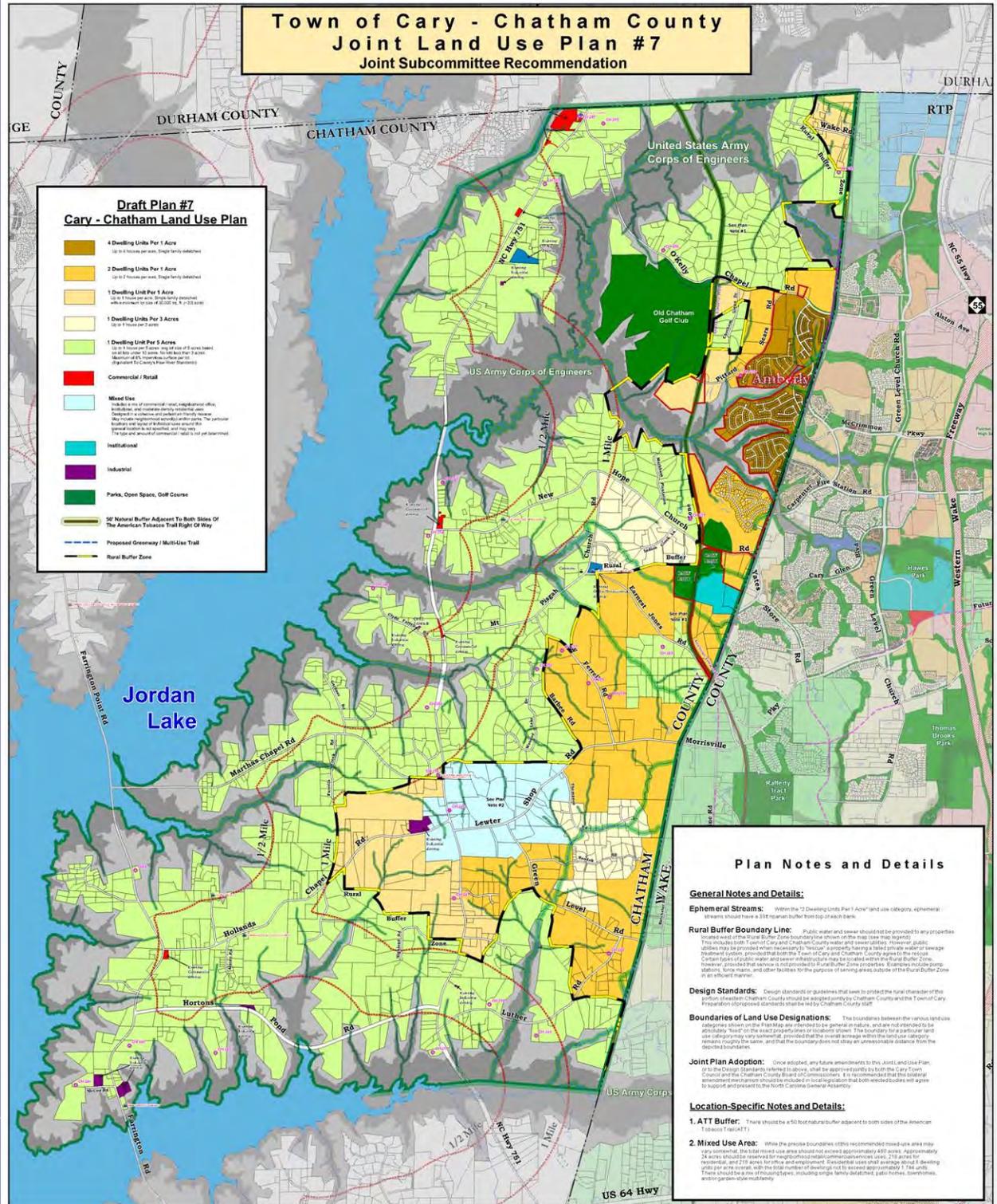
History of the Joint Land Use Planning Effort

Joint Subcommittee Meeting #13. Cont. discussion of citizen change requests; rural buffer; MXD node definition, size, location. Staff updates to Draft Plan #7 and Discussion Map 7. Request by BoC members for public input sessions in Sep. or Oct. 2010.

June 11, 2010
July 13, 2010
Aug. 19, 2010

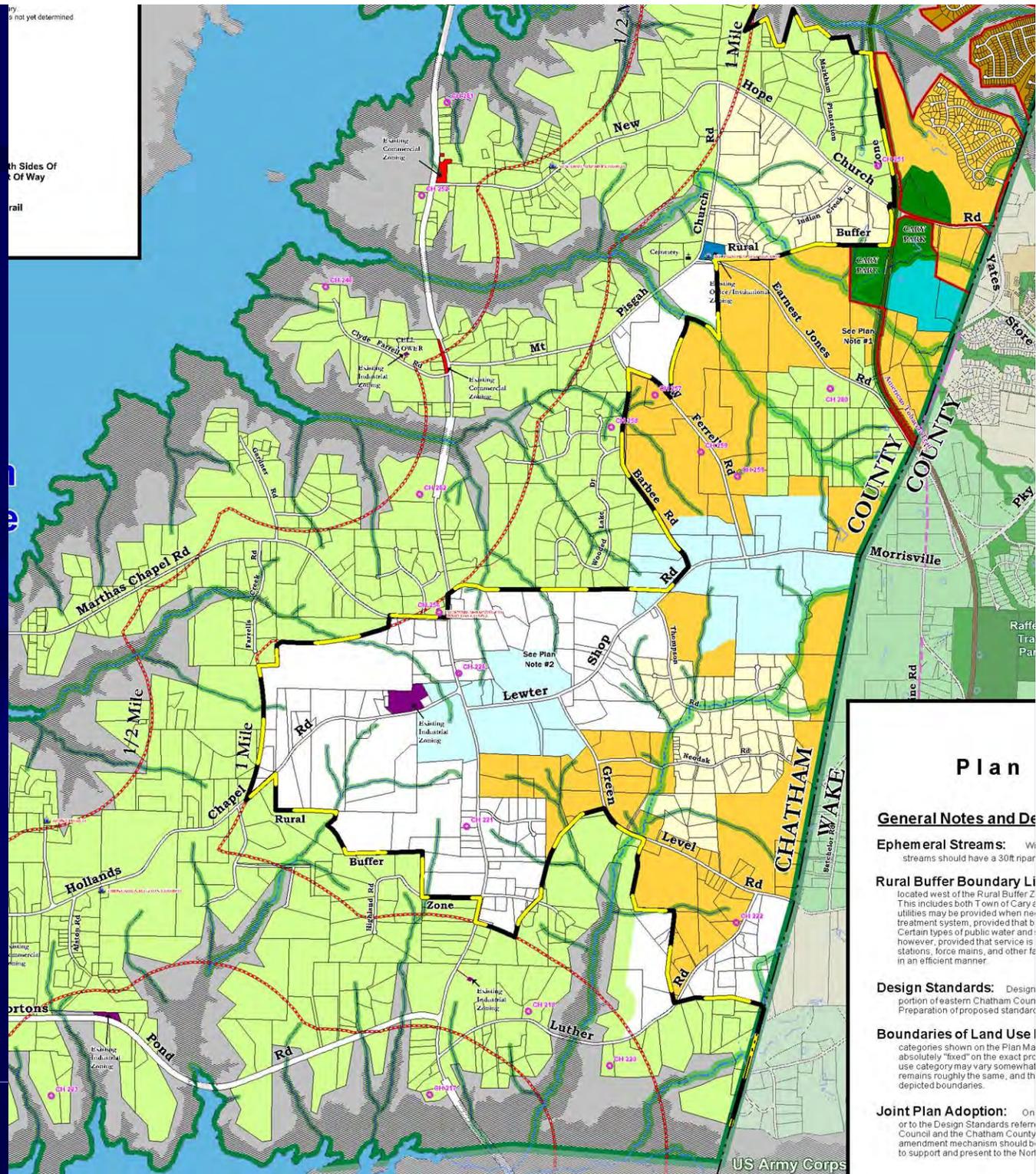
Working Draft #7

- Reflects Only Those Changes Which Seem To Be Agreed Upon To Date By The JIC



Discussion Map #7

- Areas
Needing JIC
Closure Are
Not Shaded
(i.e., The
White Areas)



Agenda Item VI. c. – Resolved Plan Issues

- **Some Landowner/Citizen Map Change Requests**
- **Exclusion Of Specific Parks, Greenways, And Schools Facilities Locations And Specifications From the Plan**
- **Reduction Of ATT Buffer Width; Clarification Of Buffer Applicability**
- **Outline For The Plan Document**

Agenda Item VI. d.

Current Unresolved Issues

- **Some Map Change Requests** From Landowners/Citizens
- **Some Map Change Suggestions** From Staff, JIC Commissioners, JIC Council Members
- **Rural Buffer Boundary** / Urban Services Area: Boundaries, Definition, Rescues
- **Mixed Use Node** (Employment Node): Location, Size, Density, Mix, Uses, Ext. Buffer
- **Plan Implementation** Policies & Processes: Rezoning, Site/Sub Plans, Annexation Requests, Utilities
- **Joint Bill**

Agenda Item VI. e.

Last Project Schedule (See Handout)

- **Aggressive Schedule Proposed in June/July 2010 Estimated At Least 9 More JIC Meetings**
- **Earliest Date For Public Hearings Would Be July 2011, Or Oct. 2011 If Public Meetings Required For Plan Document**
- **If Project Resumes Today, There Is At Least A 6-Month Extension To Schedule; Hearings Would Be in Jan. or Apr. 2012**

Agenda Item VII.

Key Questions For The Committee

- a. Do You Wish To Continue The Joint Planning Effort?**
- b. From What Point In The Process To Date Should We Resume A Joint Planning Effort? (Should Any Decisions To Date Be Revisited?)**
- c. Are There New Or Additional Issues, Not Previously Identified?**
- d. Are There Any Modifications To Project Scope? (e.g., Design Guidelines?)**
- e. Should We Maintain The Previous Roles Of The Joint Staff And The Committee In Resolving Planning Issues? (i.e., Staff Moderates And Informs The Issues, But Does Not Develop The Plan Map Or Bring Forth Recommendations)**

Agenda Item VIII – Next Steps

- a) Date(s) For Future Committee Meetings**
- b) Designation Of Committee Co-Chairs**
- c) Topic(s) For The Next Committee Meeting**
- d) Staff Revision Of The Project Schedule For The Joint Area Plan**