

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 20, 2001

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Chatham County Courthouse, Superior Courtroom, 1 Courthouse Circle, located in Pittsboro, North Carolina, at 7:00 PM on August 20, 2001.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, and Carl Outz; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

Absent: County Manager, Charlie Horne

The meeting was called to order by the Chairman at 7:16 PM.

AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda.

Commissioner Outz moved, seconded by Commissioner Atwater, to approve the Agenda. The motion carried five (5) to zero (0).

CONSENT AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Consent Agenda.

Commissioner Pollard moved, seconded by Commissioner Givens, to approve the Consent Agenda. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of a request for approval of Board Minutes for Budget Work Sessions held June 26, 2001 and June 29, 2001 and Regular Meeting and Work Session held August 06, 2001

The motion carried five (5) to zero (0).

2. **Private Road Names:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

A. Falconridge B. Rolling Acres Lane C. Sloping Pond Road

The motion carried five (5) to zero (0).

3. **Preliminary and Final Approval of “Subdivision for Daniel S. Jenkins”:** Consideration

of a request by Daniel S. Jenkins for preliminary and final approval of “**Subdivision for Daniel S. Jenkins**”, (previously known as Subdivision of Lot #6, the Orchard, Phase III), consisting of 2 lots on 4.242 acres, off SR #1714 (Sugar Lake Road) in New Hope Township

As per the Planning Department and the Planning Board, preliminary and final plat approval was granted with the following conditions:

1. Prior to recordation of the final plat, the first 430 feet +/- of the easement is to be upgraded to a 16 foot wide travelway with four (4) inches of crush and run stone.
2. The road maintenance agreement be updated to include the new proposed lot and recorded prior to the recordation of the final plat.

The motion carried five (5) to zero (0).

4. **COPS In School Grant Award:** Consideration of a request to accept COPS In School grant award

The motion carried five (5) to zero (0).

5. **Stockyard Road Sewer CDBG Project:** Consideration of a request to approve the Equal Employment and Procurement Plan, the Residential Anti-Displacement and Relocation Assistance Plan, the Section 504 Self Evaluation and Transition Plan, the Plan to Further Fair Housing, the Citizen Participation Plan, the Flood Plain Certification, the Section 3 Plan for Employment Opportunities for Businesses and Lower Income Persons, the Environmental Review Record, the Request for Release of Funds and Certification Form and the Program Policies for the Stockyard Road Sewer CDBG project, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

6. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

7. **Refunds on Tax Bills:** Consideration of a request for approval of refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

8. **Department of Social Services Contracts:** Consideration of a request by the Department of Social Services for approval of the following contracts, attached hereto and by reference made a part hereof:

- 1) Lunday Riggsbee – Child Protective Services/Adult Protective Services (CPS/APS)
- 2) Lunday Riggsbee – Child Support backup contract
- 3) Chatham County Health Department – Transportation/MA
- 4) Chatham County Sheriff’s Department – Child Support/Deputy;

Enforcement

- 5) IRA's Transportation Service, Inc. – Transportation/MA
- 6) Chatham Transit Network – Transportation/MA
- 7) Gunn & Messick – Child Support
- 8) Gunn & Messick – CPS/APS backup contract
- 9) JOCCA – Work First Jobs
- 10) Mueller Cab Company – Kidney Dialysis/MA Transportation
- 11) Methodist Home for Children
- 12) Child Care Networks - Daycare

The motion carried five (5) to zero (0).

END OF CONSENT AGENDA**PUBLIC INPUT SESSION**

Betty Wilson, 268 Log Barn Road, Pittsboro, NC, representative of the Chatham County Affordable Housing Coalition, stated that their membership includes the Chatham County Housing Authority, Healthy Chatham, Immigrant Health Initiative, JOCCA, Chatham Habitat for Humanity, EmPOWERment, Inc., St. Julia's Parish, and a number of individuals interested in affordable housing. She stated that their coalition promotes affordable housing opportunities and related education and training activities; that with the great increase in residential growth, they are very concerned that affordable housing opportunities are not in balance with other types of housing in the County; that for some time, they have noticed that there are more upscale houses than affordable houses being built; that they would like to see a plan developed that would assure that there are housing opportunities for all citizens; that they are asking that the Board put a process in motion with collaboration between the Coalition and the Planning Department so that a policy for developers can be hammered out; that this will take time, so until this can be accomplished, they are asking that the Board require Newland Communities and any other large developers to work with the Coalition for a reasonable component of affordable housing in their plans; that future developers may want to donate land or financial resources for the purpose of affordable housing development that is equivalent to a percentage of the units that are approved for development; that they may wish to donate land for Habitat to use; that their expectations would be in the neighborhood of 15%; that the concept of affordable housing is not new; that there have been impact fee reimbursements, property tax exemptions, and direct funding for some projects; that they greatly appreciate this demonstration on the Board's part that they are aware of the needs for affordable housing; that the market for affordable units, both for ownership and rental, is limited; that the agencies under their umbrella are restricted to access to land for development and they do not have funds to purchase it; that the development of affordable housing in north Chatham has become almost impossible because of the cost of land; that unless land is donated, affordable housing development will halt; that there are also economic reasons why this is not good; that businesses in Chatham County need to employ people that live in affordable housing; that with the Board's help, they look forward to the opportunity to meet with Newland Communities to work out details of a proposal on a more permanent policy for the future.

Clyde Brown, 1191 Glover Church Road, Bennett, NC, representing concerned citizens of the western part of the County, stated that they have bad water; that they are concerned about the quality of water, everyday hygiene, and health risks; that homes need to be able to access water; that water is a necessity, not a luxury; that they propose to acquire grants to cover the funding and seek the financial assistance of the Board to meet their needs; and that they intend to appear at a meeting to discuss their needs in September.

Teresa Lindley, 5811 Bonlee Bennett Road, Bear Creek, NC, impressed upon the Board the need for water in her community. She stated that she has very poor water quality in her home; that she can not wash

clothes, drink good tasting water, or make a good glass of tea; that even with a \$5,000 water softener on her well at home she can not adequately filter the impurities of her water; that there are churches, farms, and businesses who struggle with the same problem; that they are asking the Board for their help; and that water is a basic need for life. She asked that County funds be spent with the proper priority in mind.

Jim LeTendre, 734 Sunny Slope Road, Bear Creek, NC, stated that he is also with the group pleading for water; that lack of water is holding back households, farms, and businesses; that chicken farmers cannot get water out of the ground that they need; and that he appreciates the Board's time and concern regarding this matter.

Annette C. Willett, 7410 Airport Road, Bear Creek, NC, stated that water will solve a lot of problems for their community; that it will provide safe drinking water to their area; that people are unable to know when their water becomes contaminated or dangerous; that there may be a funny smell or the water may be cloudy; that the water could lead to significant health problems; and that these problems affect all ages, including young children and the elderly. She thanked the Board for their time and consideration.

RESOLUTION HONORING PATRICIA PHILLIPS

The Resolution Honoring Patricia Phillips was read by the Chairman.

Commissioner Givens moved, seconded by Commissioner Outz, to adopt **Resolution #2001-26 Honoring Patricia Phillips**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PRESENTATION ON FOREIGN ANIMAL DISEASE

Sam Groce, Chatham County Agricultural Extension Agent, spoke with regard to the proposed survey and the plans to combat Foreign Animal Disease in Chatham County. He informed the Board that the confidential information survey will be held from November 1-20, 2001.

After a brief discussion, the Board offered to assist with their individual efforts at informing citizens about the program.

BOARDS AND COMMITTEES

Cape Fear River Assembly Appointments: Consideration of a request to appoint members to the Cape Fear River Assembly

Commissioner Atwater moved, seconded by Commissioner Outz, to appoint Tom Lucas, Chatham County Assistant Public Works Director, to the Cape Fear River Assembly. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Conditional Use B-1 District with Conditional Use Permit for Supplies Storage: Consideration of a request by Rebecca D. Crabtree for a Conditional Use B-1 District with a Conditional Use Permit for landscaping, lawn and garden business, specifically for the storage of supplies and materials such as topsoil, mulches, gravel, rock, landscape timbers, trees, and shrubbery, on 1.75 acres, off SR #1540 [Jones Ferry Road] and SR #1539 [Crawford Dairy Road], in Baldwin Township

Commissioner Givens moved, seconded by Commissioner Outz, to accept the Planning Department and Planning Board recommendation and approve the request with the following conditions:

1. Development of the site shall begin within 12 months from the date of approval or the conditional use permit becomes null and void.
2. White rail fencing to be installed prior to beginning operation of the landscape business.
3. Vegetation as recommended by the Appearance Commission minutes dated July 18, 2001 shall be planted along the white rail fence within six (6) months of installation of the fencing. Vegetation shall be a variety, and be a type and height to create a low, intermittent visual obstruction along the fence line.
4. One security light, no taller than 25 feet, may be installed on the property and must be shielded on the top and sides to prevent spillage onto neighboring properties.
5. One sign no larger than 32 square feet in sign area and not more than five (5) feet tall may be installed on the property. A sign permit must be obtained prior to installation of the sign.

The motion carried five (5) to zero (0).

Public Hearings Continued from July 9, 2001:

The Planning Director answered questions from the audience regarding the proposed Newland Communities development.

The Chairman administered the oath to those in attendance who wished to make public comments.

Proposed Revision to Watershed Protection Ordinance: Continuation of a public hearing to receive public comments on a proposed revision to the Chatham County Watershed Protection Ordinance section 302.E(2) to allow two dwelling units per acre, instead of one, and lots a minimum of 20,000 square feet in size, instead of 40,000 square feet. The change would be applicable in an area bounded by Manns Chapel Road, River Road, and a line measured 0.5 mile east of the US #15-501 right-of-way

Proposed Additions to Zoning Ordinance: Continuation of a public hearing to receive public comments on proposed additions to the Chatham County Zoning Ordinance to create two new zoning districts; an RA-20 District and a CU-RA-20 district. The text is similar to the existing RA-40 and CU-RA-40 district. The minimum lot size is 20,000 square feet instead of 40,000 square feet.

Proposed Revisions to the Zoning Ordinance: Continuation of a public hearing to receive public comments on proposed revisions to the Chatham County Zoning Ordinance Section 15.5 concerning Planned Residential Development adding an RA-20 district and revising other language

Proposed Revisions to the Subdivision Regulations: Continuation of a public hearing to receive public comments on proposed revisions to the Chatham County Subdivision Regulations Section 6.4(C) to allow lots a minimum of 20,000 square feet as provided in proposed revisions to the Zoning Ordinance

Request for Zoning District Change to CU-RA-20 with Conditional Use Permit by Newland Communities: Continuation of a public hearing to receive public comments on a request by Newland Communities for a zoning district change to CU-RA-20 with a Conditional Use Permit for a planned residential development, on approximately 1,390 acres. The request consists of 2,780 dwelling units, 840,000

square feet of commercial & office space, a 26-acre school site and approximately 500 acres of open space. The property is located south of Manns Chapel Road [SR #1532] and mainly north of Andrews Store Road [SR #1528] and mainly west of US #15-501

Doug MacKinnon, 491 Beechmast, Pittsboro, NC, agreed with points brought up at the last meeting. He urged the Planning Board to do their own studies regarding the issues (water, transportation, impact on County services) and stated that the County needs to be careful of the claim that the development would be able to pay its own way; that the density issue is a cause for concern; that Fearington density should be the ideal; and that the rural character of the County should be preserved. He urged the Board to hold another public hearing on the issue.

Susan MacKinnon, 491 Beechmast, Pittsboro, NC, thanked the Board for the opportunity to be heard. She stated that she has a number of concerns; that the proposal should be denied if it doesn't meet standards; that Chatham County is very marketable and has a chance to chart its future very carefully; that buying into the proposal could be costly; that the County will have to pay for this development for years to come; and that the concessions by Newland Communities are standard for big developers.

Gerry Barrett, 20 Riverbirch Drive, Pittsboro, NC, stated that as a land developer and general contractor, he wanted to talk about the quality of life. He stated that if this proposal goes through, it will be sending a message to all big developers to "come and get it" here in Chatham County; that the County will be losing something that is priceless and cannot be recaptured; that growth has been slow and steady and managed; that this development is inviting in the problems of Cary, Apex and Chapel Hill; that this is really a town that would be built; that there would be increases in population and traffic; that impact fees would not help defray all the costs; that the five findings are met now, however, the project could be turned down on any of these five points; and that the Board can still say no to the project.

Larry Hicks, 128 Persimmon Hill Trail, Pittsboro, NC, stated that a compact community may be a desirable option for Chatham County; that there are many aspects of these types of communities that would be good for the County; that the thought of weaning developments off well and septic systems can be appealing; that greater densities may bring about possible economies of scale, such as the ability to donate land for a school or a state-of-the-art wastewater treatment system; that the lure of the "commercial district" can also be attractive; that Newland Communities and their associates are investors in this project; that they expect to garner a decent rate of return for their efforts; that Chatham's citizens are asked to invest in this project with regard to tax money, environment, future, and trust; and that Newland simply has to prove itself right, that the citizens do not have to prove them wrong. He asked the Board to consider the following questions: 1) Why is this project of value to Chatham County? 2) What does Chatham County gain in return for granting changes to existing protections? 3) Do these gains outweigh the costs: economic, societal, and environmental? 4) What would/could be proposed if the protections were not lessened? He stated that growth does not justify this type of development; that there are several problems regarding septic and sewer claims; that costs of the project, including schools, tax revenue, impact fees, and traffic, are more than gains; that there are impacts on water, groundwater, and the water table; that the proposal lacks details and is full of holes; and that we need to steadfastly protect what we have.

Richard Goldberg, 202 Fallen Log, Chapel Hill, NC, President of the HRA, stated that development would involve a large area of clear cutting along creeks that drain into the Haw River and Jordan Lake; that one main concern is the protection of wetlands; that he is concerned about the affect on the wetlands along Pokeberry Creek; that there are a number of acres to be developed; that water quality would be affected; that erosion will be an issue; that open space figures need to be verified and defined; that the wastewater treatment system is a concern as well; that a plant area is located in a sensitive area on Pokeberry Creek; that a number of floods have occurred in the area; that zoning ordinances were created for a reason; that such developments

are not necessary inevitable; and that consideration needs to be given to turn this area into a park.

Kenneth Eill, 128 Fearington Post, Pittsboro, NC, stated that the zoning ordinances were thoughtfully and carefully done; that this proposed project does not sit well with those ordinances; that the integrity of Chatham County would be changed and destroyed; and that tax revenues do not pay for increasing population.

Paul Horton, 220 Hubert Herndon Road, Chapel Hill, NC, yielded his time to Tyler Huntington stating that he was perhaps the most negatively affected by this development.

Tyler Huntington, 373 Hubert Herndon Road, Chapel Hill, NC, speaking on behalf of Herndon Woods Homeowners, stated that Herndon Woods is sandwiched between residential and commercial areas; that with the proposed development, life in the area would be forever changed; that there would be new traffic patterns, potentially new addresses, noise, and the inconvenience of construction traffic for the next ten years; that safety issues are a concern; that the space between commercial space and Herndon Woods could attract adverse behavior; that there is a 100 foot buffer between Herndon Woods and a run-off pond; that many neighbors take pride in their gardens around the pond and may be adversely affected; and that all of the commercial development is away from the residential development. He requested 300 foot buffers, and stated that all opposed the proposed development in its current form.

Catherine Bollinger, 1500 Manns Chapel Road, Pittsboro, NC, stated that she has carefully studied the flora and fauna report; that the primary researcher would not change her opinion in the final report; that she disagrees with the findings; that the ecological map is similar to that on which she lives; that 1,000 acres of continuous forest on the Newland tract shelter many more species than the Brahams have observed; that she has observed 40 more bird species, 13 additional species of reptiles and amphibians; 14 additional mammal species than listed in the report; that this combined diversity of animals with the substantial diversity of plant species present, and there is also found a healthy, richly complex thriving set of ecosystems; that the consequences of eradicating 1,000 acres of richly diverse, healthy forest are large; that open space does not address eradication of the species in this area; that displaced wildlife is a concern; that animal diseases may increase; that change in bird species may change, as well; that there will be many environmental affects; that noise pollution will prevent animals from inhabiting open space; that the natural ecology affects human population as well; and that if the proposed Newland Communities is approved, it will radically change the living area for many years to come.

Tom Scheitlin, 1500 Mann's Chapel Road, Pittsboro, NC, stated that he wanted to look at the bigger picture; that he wanted to use the 2000 census data to reasonably estimate how many people would actually be in the development; that he had looked at populations of each municipality in the County and surrounding areas (Orange County and Chapel Hill); that this development would add over 7,000 people to the County; that there would be a 14-15% increase in population; that this means that the proposed development will be either slightly smaller or slightly larger than the largest incorporated town in Chatham County which is Siler City; that after hearing concerns at the July 9, 2001 Board of Commissioners' meeting where concerns were voiced with regard to traffic patterns, sewage systems, quality of life impacts, impacts on the water quality, and panning concerns, he believes that the impact on cultural resources should be more carefully evaluated also; that the County has spent its tax payers' hard-earned dollars to develop a Land Conservation and Development Plan and appropriate zoning ordinances; that it has been the result of hard work by professionals who are familiar with the character and values of Chatham County; that before variances in these ordinances are allowed, significant proof of the benefit to the County and its taxpayers should be provided; that the Conditional Use District Application that Newland Communities has submitted is much too vague to merit changing the County's rules; that it is critical that Briar Chapel be evaluated as a free-standing planned community which means that it will lack all the infrastructure provided by an incorporated town and

will rely on the County to support this significant increase in infrastructure; that two planned communities, Meadowmont and Southern Village, already exist in the area; that the most striking difference is that both of these communities are either in the Town of Chapel Hill or adjacent to it and have since been annexed, thus providing infrastructure (schools, police, fire protection, water, and sewer); that Briar Chapel development is in an undeveloped portion of Chatham County, not near any existing town; that if the proposed development is approved, the County will be embarking on a huge social and environmental experiment; that he recommends that the public have an opportunity to evaluate and comment on any revised plans for the project; and that Chatham County residents will bear the responsibility for supporting this social experiment for decades to come.

Nancy Brown, 106 Persimmon Hill, Pittsboro, NC, stated that she and others are talking about something that is going to change; and that she has concerns regarding the wastewater treatment facility. She asked if the State has issued Newland Communities a permit for a Non-Discharge Waste Water Treatment Plant and if they had made application to the NC Department of Environment and Natural Resources for same. She asked how Newland intends to protect Wilkinson and Pokeberry Creeks, hence, the Haw River. She stated that Newland Communities has agreed to supply the specifications for effluent from a tertiary waste water treatment plant to the Fearrington Homeowners Association; that they intend to hold firmly to a need for 2.0 units per gross acre; that she is concerned that with regard to the supposition that Briar residents will use less County services than the rest of the County; that she would like to know whom they were referring to when noting "the kind of people" who will live in Briar Chapel; that it would be extremely dangerous to extend Newland Communities carte blanche change to the County Watershed Ordinances; that allowing changes to the Zoning Ordinances opens Chatham to irresponsible and irreparable damage from both this and future developments; that she feels anyone doing business either permanently or temporarily in Chatham should follow the existing rules and ordinances as written and not be given special dispensation over the well being of the entire County; that the County needs adequate and affordable housing, but Briar Chapel will provide little, if any; and that if the Newland Communities Briar Chapel proposal has been amended in any form, they should withdraw and another public hearing be required.

John Graybeal, 3396 Alston Chapel Road, Pittsboro, NC, stated that before acting on Briar Chapel, the commissioners and the Planning Board must decide on the design that should be used for the Highway #15-501 corridor between Pittsboro and Chapel Hill; that both boards must recognize that their action in regard to this proposal will be the first step in determining the character of this corridor as it will emerge over the next 25 years; that the draft Land Use Plan signals the proper direction in designating both the #15-501 corridor and the Siler City/Greensboro corridor for dense development using the compact community format; that Briar Chapel claims to be a compact community but fails to achieve both the overall design standards that should be applied to this corridor and it seriously flunks the draft Land Use Plan's standards for a compact community; and that Briar Chapel has other significant failings and affirmative findings #2 and #3 can not be made. He urged the Commissioners and the Planning Board to impose the following requirements before approving the plan: 1) Project be modified to achieve all of the characteristics of a compact community as contemplated by the draft Land Use Plan and that it be re-designed as a compact, walkable community with sidewalks and a grid street design and a centrally located downtown district; 2) That its density and/or yield be increased sufficiently that it will become in time a viable public transit node and that in the meanwhile, it must find a better solution for the traffic problem it will create; 3) It should be precluded from having any commercial frontage on, or astride, #15-501; 4) It should designate at least 10% of its dwelling units as "affordable housing" and assure that those units will remain affordable housing units.

Robert Grant, 21 Benchmark, Pittsboro, NC, stated that there would be a great demand on utilities including nuclear power production at the Shearon Harris Plant; that if the County's ordinances are workable, why amend them; that he is not opposed to development as such, but that the County needs responsible growth and development; that he has three main concerns: 1) Traffic - Proposed school location dumps traffic

onto Andrews Store Road which is not currently equipped to handle upper middle class income residents with multiple cars, multiple kid households and much more traffic on Lystra Road; 2) Commercial development is potentially a retail outlet; that customers will come from all over; that no attention has been paid to this issue at all; that stormwater runoff will damage residential homes; that the Orange County line to bypass it will turn into strip malls; and 3) What will happen to school age kids before a new school is built?; that there will be much capital cost outside of school costs.

Nancy Peacock, 588 Stone Wall Road, Pittsboro, NC, stated that Chapel Hill has sold its soul to the developers; that this development has a lot more to do with Chapel Hill and Research Triangle Park than Chatham County; and that people in these communities are not part of the of the larger community. She urged the Board to please be careful and stated that there should be a moratorium on development.

Ben Campbell, 588 Stone Wall Road, Pittsboro, NC, stated that he agrees with the sentiment of those who have spoke before him; and that the proposed development will have a negative impact on the quality of life. He expressed appreciation for the manner in which the meetings have been run.

Toni Constant, 1388 Manns Chapel Road, Pittsboro, NC, stated that she looks forward to another meeting; and that she is heartsick to think that they will be clear cutting beautiful forests. She thanked the Board of Commissioners for the good job done thus far asking that they please stick with the ordinances in place. She stated that this is a small city; that Chatham is standing at the flood gates; that the County needs to control growth; that there are options: 1) Put the development in an area that is already densely populated; 2) Make Newland Communities comply with the existing Chatham County Ordinances; that the County must protect the water by making sure Newland rigorously complies with the Water Protection Ordinance; that Briar Chapel should be modeled after the original Fearington plan; that houses should be built to become part of the scenery; that white light should be used for street lights, not mercury vapor lights; that affordable houses within the \$80,000-120,000 range should be built; that Bennett's Mountain should be made into a county or state park; and that she does not want the heart of the land and its people to be sacrificed in the name of urban sprawl and the lure of increased revenue.

Edith T. Calhoun, 295 Blacktwig Road, Pittsboro, NC, stated that a library is a critical need in the proposed project. She asked Newland that in their revised proposal if they would expand to include a library; that it needs at least 5,000 square feet to serve just this community.

Mary Bastin, 22 Fearington Post, Pittsboro, NC, adjacent land owner, stated that when she purchased her house, the area was zoned single family residential and that she believed that it would stay that way; that planning is the key to desirable growth; that existing ordinances best protect County residents; that there is no reason to waive any of the present statutes for a development such as the one Newland Properties proposes; that Newland Communities will not leave the Board of Commissioners alone; and that many more development companies will come in their wake; and that in the next ten to twenty years, Chatham County will grow and change more than it ever has in history. She urged the Board to complete the Land Use Plan and asked that they not stray from it.

Marsha Stephens, 118 Crows Creek Road, Pittsboro, NC, stated that she was speaking on behalf of the Audubon Society. She asked that the Board please have complete information as they consider Newland's proposal; that the size of development will have major wildlife displacement effects; and that she concurs with HRA regarding runoff into creeks.

James Carnahan, 875 Rock Rest, Pittsboro, NC, stated that even before considering this development, the Land Conservation Plan needs to be completed and a Master Plan developed to identify sites for compact communities and write the ordinances for them; that preservation of the County's rural

character is a primary reason for having this kind of development in Chatham County; that one only has to look at the pattern of development closer to the center of the Triangle to see what is in store for Chatham County if steps are not taken to change the way growth happens here; that citizens are looking for a plan that is compact, mixed-use, walkable, and transit-supportive; that density is key to both walkability and public transit; that Briar is far from being dense enough to encourage walking or support bus service to regional employment, shopping and recreation destinations; that its net density is three to four units per acre; that walkability and transit require an average minimum of seven DU/acre; that the commercial areas in the current plan, in addition to being too remote for residents to walk to are “strip development” which is opposed by the Land Plan; that the open space in the current plan is insufficient to receive the sewage discharge and is fragmentary in character; that without some kind of formula by which intense growth in one part of the County is set-off by land preservation somewhere else, compact communities are just another path to unbridled growth that will result in the conversion of the beautiful rural county into another sprawl of bedrooms and malls for Triangle employment centers; that recent property revaluation had put additional pressure on Chatham land owners to sell to the nearest developer in order to make ends meet; and that the Land Conservation Plan should be finished, the design and development guidelines should be written, and a determination should be made as to where compact communities are appropriate before any projects of this scale are approved.

Halford House, 611 Vickers Road, Chapel Hill, stated that he opposes the Newland Communities proposal to amend, revise or change the Watershed Ordinance, the Zoning Ordinance, the Subdivision Ordinance or to rezone to a Conditional Use District in order to develop 1390 acres in the northeastern Chatham County as a master planned community; that he has twenty five years of experience in wastewater management and advanced degrees in Soil Science, Wetland Ecology and Forestry from North Carolina State University; that the land has steep slopes and easily eroding soils; that it is very difficult or impossible to develop at the proposed level without an adverse impact; that 1,000,000 gallons per day is considered a large land treatment system; that Newland has provided few details of the design though the proposed system will be located within a water supply protected area as described within the Chatham County Watershed Protection Ordinance from which they seek a variance; that the proposal employs a large regional treatment pond approach prone to catastrophic failure as opposed to insure that the project does not adversely impact the water quality or biota of the associated streams; that the Newland proposal should be in accordance with the approved Strategic Plan which states that “more intensive land uses i.e. commercial, high density residential and industrial, should be concentrated near Chatham’s existing towns.”; that it is counter intuitive to permit the highest density development in the County within areas which are nutrient sensitive or associated with major water features critical to the long term water supply, quality of life and health of the region; that it is his professional opinion that the proposed Newland project should not be developed at a higher density than one dwelling unit per acre as defined un WS-IV-PA of the Chatham County Watershed Protection Ordinance; that the nature of the soils and landscape of the proposed area would be more effectively and sustainably developed to protect the water supply and environmental health at one dwelling unit per two acres; that since the Newland proposal requests variance of numerous Chatham County ordinances and has potential to profoundly impact the future growth and development of Chatham County, the County should require extensive detailed technical water quality, wastewater, and site criteria review of the proposal prior to state regulatory review; and that he proposes that the design for the wastewater treatment, stormwater systems, and Water Quality Monitoring Plan should receive evaluation by an expert ad hoc committee appointed by the Chatham County Board of Commissioners. He asked that his handout including comments with regard to wastewater and stormwater be made an official part of the minutes. The comments are attached hereto and by reference made a part hereof.

John D. Gray, 112 Cub Creek Extension, Chapel Hill, NC, stated that he appreciated the efforts by the staff and elected officials; that he is interested in leadership on several issues; that he wants to see how to avoid dense development along 15-501 corridor; if we trust elected officials to make a decision we will be

alright; that the proposed wastewater treatment facility is the best available today; consider sales, use taxes to help lessen the burden of infrastructure for the County; we do not need to be Chapel Hill and Cary all over again.

Doug Edmunds, 102 Creeks Edge, Chapel Hill, NC, Vice President of the Polk's Landing Homeowners Association, stated that Polk's Landing shares a bit of history with their neighbors in Fearington Village and the Chatham development off Manns Chapel Road as all three neighborhoods were built by Fitch Creations; that he is concerned for the future of the County; that on behalf of the residents of Polk's Landing concern is expressed with regard to the following: 1) Well water impact; that there are problems with community wells with sporadic low pressure and aging connecting lines; 2) Major increase in traffic; 3) Commercial development included in the proposal is of concern; and 4) Tax burdens on the neighborhood. He stated that the school site is good, but asked if residents can afford to build it.

M. J. Christenbury, 125 Persimmon Hill, Pittsboro, NC, stated that when she was able to build her home, she chose Chatham County because of the lower taxes than Chapel Hill and for the rural environment; that she does not want the school system and does not want to pay for it; and that she does not buy the statement that the proposed development is a positive impact to property values and that it will not preserve the rural environment. She concluded by pleading with the Planning Board and the Board of Commissioners to go back to the "drawing board" asking them to come in with less dense development, come in with putting the commercial space back off Highway #15-501, and that she doesn't want to set a nasty precedence.

John McSween, 617 East Raleigh Street, Siler City, NC, stated that there are people in the western part of the County that care about what goes on in the eastern part of the County; that he was in attendance at the night's meeting to place into the public records, the comments on the Newland Briar Chapel proposal set forth in the August 4, 2001 letter from Mrs. Barbara Lorie to Chairman Gary Phillips with the hope that they will receive the serious consideration that they deserve. He further stated that as a member of the Strategic Plan Development Committee for years and a member of the Waste Management Committee, he sees a need for a new vision for development; that it needs to be one that follows the Strategic and Land Use Plans; that preservation to lessen the destruction of the natural habitat needs to be followed; that conservation to diminish the consumption of energy, water, and the production of solid waste needs to be pursued; that new communities need to be pursued to encourage everyone to walk more and to be less dependent on automobiles; and that this must be done without loosening the protective ordinances and regulations.

Ms. Lorie's letter, in its entirety, is attached hereto and by reference made a part hereof.

John N. Kent, 394 Cub Creek Road, Chapel Hill, NC, stated that he did a survey of planning departments in preparation for the meeting; that Fearington was 1,400 phased-in units; that the proposed development is just too big; that as part of city and regional planning staff, he has seen workable communities, neo-grid plans, and village environments, and now he has seen Briar Chapel; that he has also monitored the water on New Hope Creek; that since 1991, it has been done at six sites; that there are an amazing number of "critters" that live in the creek; that they look at nutrients; that the urban run off is going to be there; that the development is just too large; that the traffic would be monumental; that the County doesn't need it; and that he hopes that it is voted down.

COMMISSIONERS' REPORTS

Chairman Phillips expressed his appreciation for the patience of those attending the meeting.

Commissioner Givens stated that he appreciated the demeanor and professional way in which the public had presented itself at the meeting.

Commissioner Pollard echoed Commissioner Givens' comments.

Commissioner Atwater expressed his appreciation for the participation of those attending the meeting; that he sometimes feels that the democratic process is rather fragile but that it renews his hope in the entire process when he sees everyone participating in the manner that they have and the substance that they bring to the question.

ADJOURNMENT

Commissioner Givens moved, seconded by Commissioner Pollard, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 11:17 PM.

Gary Phillips, Chairman

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ATTEST:

Sandra B. Lee, Clerk to the Board
Chatham County Board of Commissioners