

Citizen Comments on Chatham-Cary Joint Land Use Plan

Text of Comments Submitted for Public Hearings via Email, Letter and Web (Excerpted)

Pennie Coussit (emails to Chatham and Cary)

email of Dec. 28, 2011:

I am writing to you regarding the planned density of my parcel #19946, because I have some new information about my land that I hope will enable you to increase its proposed density on the Public Hearing Draft Map. There is a stream that runs about 200 to 225 feet from the western border of my property. It was examined by Mr. Fred Royal in Chatham County about two years ago, and he sent me a Preliminary Buffer Map. It showed that the lower half of the western 1/3 of my property is subject to stream buffers of 100 feet, and the remaining 2 upper half of the stream has a 50 foot buffer. The end of the stream is maybe 300 feet from the O Kelly Chapel Rd north border of the parcel. I have attached a copy of my parcel, and a copy of the stream buffer map.

I have recently been talking with Matthew Danielson of TowerCo about leasing a spot, possibly in the northwest corner of my land, to build a stealth cell phone tower. (Matthew plans to apply for annexation of my property into the Town of Cary as part of the tower building process, which I am in favor of.) After several visits to the wooded land to find a possible location for a cell tower (which will be disguised as a pine tree if we agree to the lease), I have realized that, due to existing stream buffers as well as setbacks required around the tower, this means that the entire western 1/3 of my property could never have any houses built on it, and there would be a green space buffer (zero density) of 300 to 325 feet running all along the western side. Due to this large natural stream buffer, if you could please zone my parcel as Medium Density, we would be better able to sell our land to a developer, thus increasing the tax base.

A similar Medium Density would also be a good use for parcel 88557, which is a small 1.5 acre parcel at the top right (Northeast) corner of my parcel, owned by Tom Hankins, who is in favor of my suggested Medium Density. His small corner which borders my land has already been annexed into Cary. Mr. Hankins was instrumental in getting my uncle's land across Pittard Sears Rd annexed into Cary and prepared to become the newest phase of Carolina Preserve. If my land is ever sold for development, Tom's parcel will possibly need to be part of the deal, as you can see from the attached map.

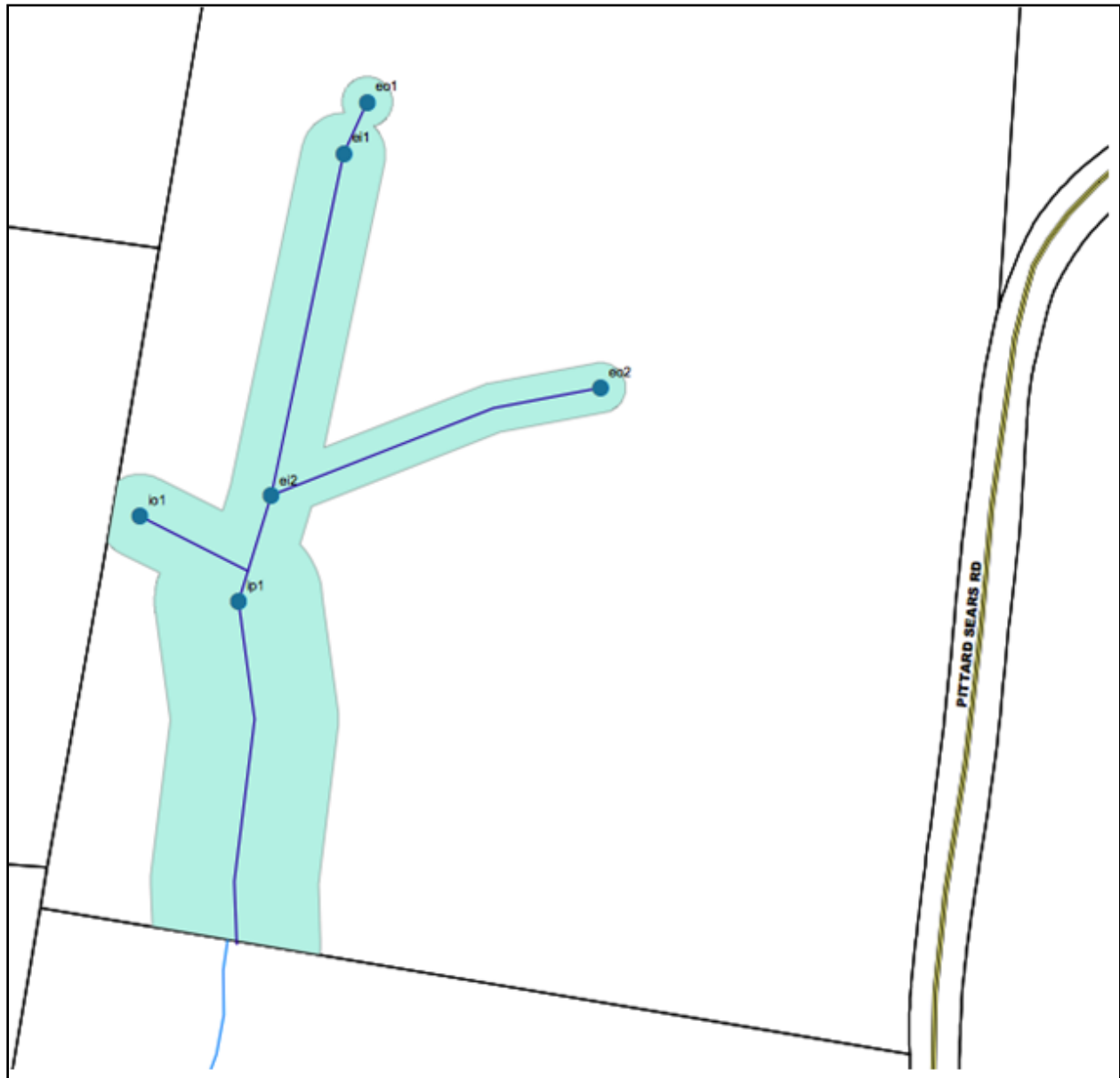
My siblings and I inherited this land three years ago when our mother passed away, so we are fairly recent interested parties regarding the joint plan. Since learning about the joint plan, we have attended some town meetings, and have been told that it had already been decided that the density would "taper down" from the medium density across Pittard Sears Rd to the lower density of the parcels on Chatham Glen Rd, which is to the west of my land. I just learned a few weeks ago about the effect my stream buffers would have on developing my parcel, as a result my doing a lot of hiking and researching while looking for a possible cell tower site. Since I realized that the stream buffers are so wide, I realized it might be worth having you look at my proposed density again, since the stream buffers could be the "taper down" part of the density.

We would very much like to be able to sell our land to a developer as our relatives and neighbors have been able to do in the past few years. We have contacted a few developers recently, since the real estate "building market" appears to be doing a little better in recent months. I am being told that since my land is not very close to any Chatham County schools, it would probably need to be developed for Active Adult living (age 55+ houses). However, the proposed density of 2 houses per acre makes my property less attractive to potential developers than the Carolina Preserve land across the street with density of 4 houses per acre.

From the email attachment of Dec. 28, 2011:

This is the map sent to me by Fred Royal of Chatham County after he examined the stream bed on our land. His explanations of the codes on the map are below.

Eo1” means it is the origin point of an ephemeral stream. “EI” means it is the point where the stream transitions from an ephemeral to an intermittent stream and IP transitions from an intermittent to a perennial stream. The numbers are ID’s of the points.



Email of Jan. 30, 2012:

I am attaching a copy of my speech from that meeting [Cary Town Council public hearing of Jan. 24, 2012], and two versions of a greenspace map. Hopefully it will be useful in a decision to raise our density to Medium so that we might have a chance to try for 3 houses per acre if it ever gets developed. The map shows a rather large green space around that branch of the

stream that heads toward the east. In fact that part of the stream was labeled Ephemeral by Fred Royal of Chatham County two years ago, so there would probably be a narrower green space on that branch. I am also attaching that Preliminary Buffer Map drawn by Mr. Royal when he conducted that Surface Water Identification.

(copy of attached speech text follows:)

I am Pennie Ellis Coussit, of 0 O Kelly Chapel Rd, parcel #19946 at the O Kelly Chapel and Pittard Sears Rd intersection, in Chatham County. I am here in support of the Joint Land Use Plan, particularly the annexation of the area on Pittard Sears Rd, where my parcel is located just across the street from Carolina Preserve, and I would like to ask if the Joint Land Use Plan would please consider a Medium density for my family property. At some point in the future, we would like to be able to develop our property as our neighbors have been able to, and this would mean the land could be annexed into Cary and utilize the Town of Cary utilities. (Having the medium density would give us the option to explore the possibility of 3 houses per acre, which could help increase the tax base of Cary).

My father, Jesse Warren Ellis, was born and raised in Chatham County, and this land has been in our family for generations. The land was passed down to myself and my siblings just two years ago after our mother passed away. During the several years preceding her death, about the same time that the original land use committee was being created, Amberly was being built and the neighborhood surrounding our land changed quite a bit. Since then, Pittard Sears Rd. has been paved, and the former farmland became neighborhoods. My mother was elderly, in poor health and was unable to respond to the notices about the Land Use Plan when they were starting to arrive. When it came time to settle her estate, we started researching what needed to be done so that future generations in my family could benefit from our father's heritage. Once we became aware of this land use plan committee, late in the game, we started attending these meetings. We were told that our parcel was indicated on the map for low density because the density should taper down from Carolina Preserve at Amberly and going west toward Old Chatham golf course.

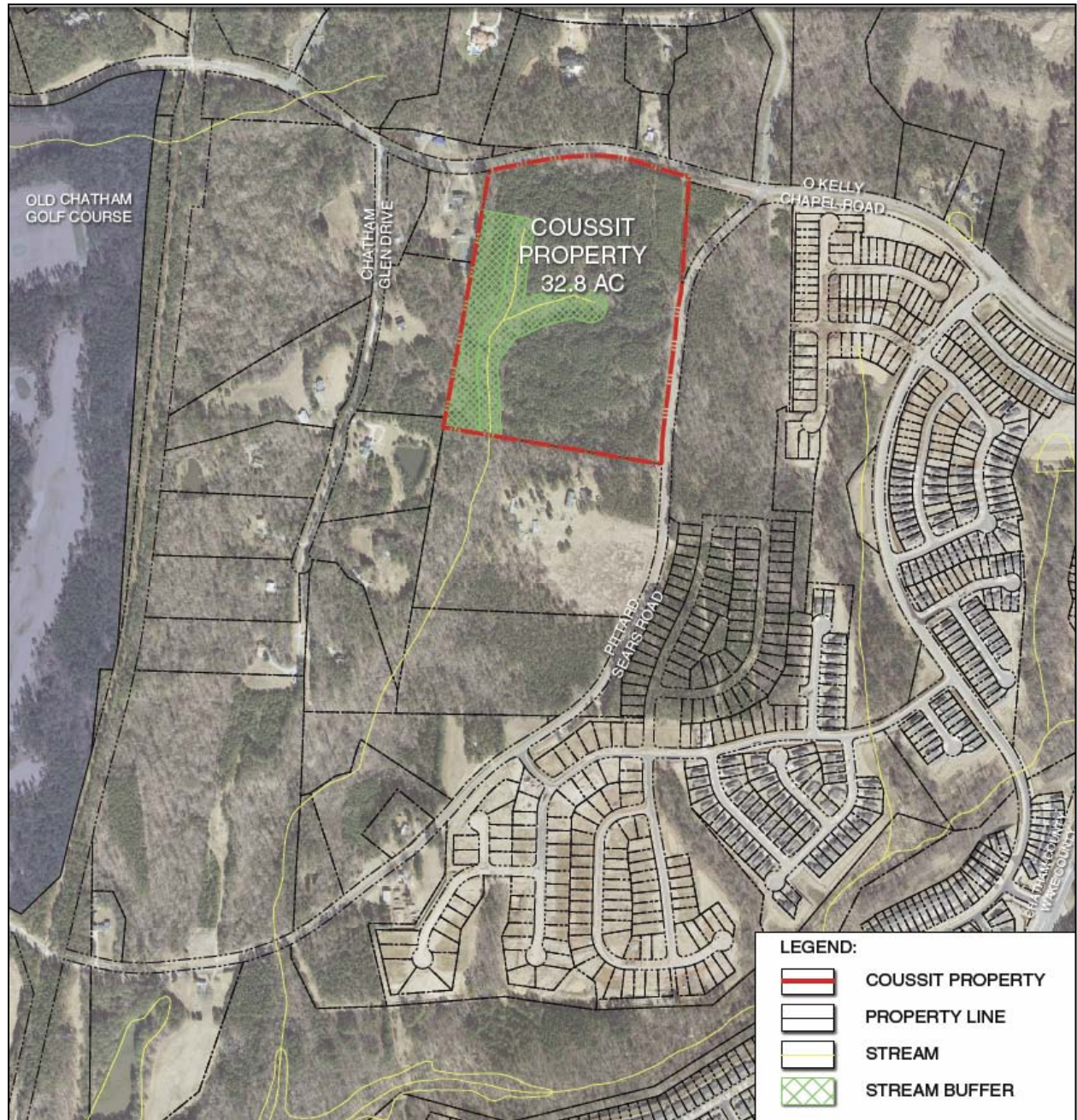
We have been researching and seeking a better understanding of our property and its best use. Carolina Preserve is now just across the street from my land's eastern border, and I would like to have the same medium density for my land. As you can see on the exhibit, we have some environmental features that would shield the surrounding property owners to our west, namely the Chatham Glen Road parcels, from our requested medium density on Pittard Sears Rd. My northern border is O Kelly Chapel Rd, and my southern border is owned by the Lester family who is also in favor of a higher density for our west side of Pittard Sears Rd.

The land to the west of me is my father's old homeplace, owned now by Mrs. Jane Stam Miner, and the property to the south of hers, and a tiny corner of the property south of hers. However, existing environment factors provide a large buffer between any possible future homes on my land and the large acreage of the bordering property.

Because of a stream that runs at least 200 feet from my western border (which actually runs all along the western border of the parcels on the west side of Pittard Sears Rd), there is a natural stream buffer of at least 350 feet along the western third of my land. This means that there could not be any houses built on most of the western one-third of my property. I think that this buffer is large enough to make our neighbors to the west feel comfortable with a medium density. Based on these environmental factors of natural green space buffers that exist on my land, I think that medium density would be the greatest and best use of the property, and is a reasonable request. The natural buffer of 350 feet would also allow the density to naturally taper down to an effective zero density for the western one third of my parcel.

Thank you for your consideration of my medium density request on the Land Use Plan Map, and for all your time and hard work on this plan.

The email attachments of Jan. 30, 2012 follow:





Comments submitted at Chatham Public Hearing Jan. 17, 2012:

I am Pennie Ellis Coussit, of O Kelly Chapel Rd, Durham, parcel 19946 in Chatham County. I am here to ask if the Joint Land Use Plan would please consider a Medium density for my family property at the corner of O Kelly Chapel Rd and Pittard Sears Rd. My father, Jesse Warren Ellis, was born and raised in Chatham County, and this land has been in our family for many generations. The land was passed down to myself and my siblings just two years ago after my mother passed away. During the several years preceding her death, about the same time that the original land use committee was being created, Amberly was being built and the neighborhood surrounding our land changed quite a bit. My mother was elderly in poor health and was unable to respond to the notices about the Land Use Plan that were starting to arrive. When it came time to settle her estate, I started researching what needed to be done so that future generations in my family could benefit from my father's heritage. Once I became aware of this land use plan committee, late in the game, I was told that our parcel would be low density because the density has to taper down from Amberly to Old Chatham golf course.

Through our research and seeking a better understanding of our property and its best use, we have discovered, as you can see on the exhibit, that we have some environmental features that would shield the surrounding property owners from the medium density on Pittard Sears Rd, which is my eastern border. My northern border is O Kelly Chapel Rd, and my southern border is owned by the Lester family who is also in favor of a higher density for our part of Pittard Sears Rd. The only land that borders my property to the West is my father's old homeplace, owned now by Mrs. Jane Stam Miner, and the property to the south of hers, and a tiny corner of the property south of hers.

Because of a stream that runs over 200 feet from my western border (which actually runs all along the western border of the Pittard Sears Rd East Side properties, there is a natural buffer of at least 350 feet along the western third of my land. This means that there could not be any houses built on the western one-third of my property. I think that this buffer is large enough to make our neighbors to the west feel comfortable with a medium density. Based on these environment factors of natural buffers that exist on my land, I think that medium density would be the greatest and best use of the property, and is a reasonable request. It would also allow the density to naturally taper down to zero density for the western one third of my parcel. Thank you for your time and all your hard work on this plan.

Randall Gressett (emails to Cary and Chatham)

email of Jan. 25, 2011:

I have lived in Cary for 14 years.. In 2010, we purchased 35 acres of land in Chatham county that is within the Joint Land Use planning area. We support the current plan as proposed. My primary concern is how municipal services, specifically water and sewer, will be provided for the planned area. Our property is within ½ mile from the Wake/Chatham county boarder on Green Level Rd. We would like to ensure we have the option for water and sewer from the Town of Cary and/or Wake County in the future.

If you have any questions regarding my support of this plan, including my support for Cary to have ETJ and annexation rights over this area, please contact me ...

email of Jan. 18, 2011:

Land owned in Chatham County: Parcels 88472 (17.5 Acres) and 88005 (17.5 Acres)

Land Description: On Luther Rd in the med density map. Land adjoins core land.

Points/comments:

1. I support the Joint Land Use plan and commend the commissioners and planners in working in a joint fashion with other counties and townships in order to plan comprehensively for future growth.

2. The 35 acres my wife and I purchased had been timbered by the previous owners. The land looked horrible and was contributing to "run off" in Jordan Lake due to the timbering. The land adjoins core land and the run-off was heading into White Oak Creek. Many comments were made stating that this plan would be negative in regards to run off. However, without this plan, I would have never purchased the land and invested the money to re-establish the land as green pasture for my future horse farm. The pasture has eliminated the run-off and controlled the silting. The joint land use plan gave me confidence to invest in reestablishing the rural nature of the 35 acres. This plan is exactly what is necessary to attract more owners like me to Chatham County that want to maintain the rural nature of the county.

3. I would like to have more assurance that municipal services such as water and sewer will be made available to land owners within the Joint Use Area. My concern is that ETJ rights or annexation are the only feasible ways to ensure these services. I support ETJ as part of the land use plan. This plan needs to ensure these services are provided. I believe Chatham county is not in a position to invest in water treatment facilities to serve this area. The land owners such as myself would be better served by leveraging the water treatment facilities currently under planning in New Hill or other sites controlled by the Town of Cary or Wake County.

Cecil Wilson (emails to Chatham and Cary)

Comment Submitted to Chatham Public Hearing Jan. 17, 2012:

I am talking on behalf of many of the residents affected by the proposed Chatham –Cary Land Use Plan who are members of the New Hope Baptist, Ebenezer AME Zion, and Holland Chapel Church. The residents primarily live on Alston Rd, Martha's Chapel Rd, and Holland Chapel Rd,

and are definitely opposed to the Rural Buffer Requirements and the fact that they will have to comply to a 5 acre minimum to build a home. It is currently 1 dwelling per acre and to go from this minimum to a 1 dwelling per 5 acre is very disturbing to the longtime residents of the area. These residents are generations of property owners.

I agree with previously speakers that there are already enough buffers with the Corp property around the lake. It seems that we are being punished twice with this plan. First of all, Cary is not proposing to extend utilities to our area but they will require us to have more buffer and land to build or pass our property to our next generation. Very disturbing!

Email of Jan. 24, 2012:

I am talking on behalf of many of the residents affected by the proposed Chatham-Cary Land Use Plan who are members of the New Hope Baptist, Ebenezer AME Zion, and Holland Chapel Church. The residents primarily live on Alston Rd, Martha's Chapel Rd, and Holland Chapel Rd, and are definitely opposed to the Rural Buffer Requirements and the fact that they will have to comply to a 5 acre minimum to build a home. It is currently 1 dwelling per acre and to go from this minimum to a 1 dwelling per 5 acre is very disturbing to the longtime residents of the area. These residents are generations of property owners.

The Corp property around the lake are already enough buffers . It seems that we are being punished twice with this plan. First of all, Cary is not proposing to extend utilities to our area but they will require us to have more buffer and land to build, therefore, having a negative impact on our property value and hinders us from passing property to our next generation. Very disturbing!

David Ferrell (email of Jan. 18, 2012, to Cary)

I went to the meeting last night at Chatham Co. I think the majority of the opposition was from the people that spoke for the Atty. that is a part of the CCEC group. Several landowners supported the plan and I think the meeting went pretty well. They did vote not to allow the ETJ to move into the county as parcels were annexed. One thing that we cannot live with is for the county not to allow satellite annexations. If this was the case it would be eons before we could do anything with our land as all of the owners between our land and the land already annexed would have to annex.

I would like to see somewhere in the plan that refers to the 400' buffer line to the Corps' land that on our parcel it would follow the 255 ft. elev. line in the event that the 400' buffer line language stays in the plan. I still do not agree with the additional buffer lines to the corps land. It is essentially buffering the buffer that is already in place.

Todd Hodge (emails to Chatham and Cary)

email of Jan. 13, 2012:

I have owned my land for over 17 years. I have followed the six year planning process from the start. I support the present map showing my land at 2002 New Hope Church Road being two units per acre and the urban boundary line located west of my land at Mt. Pisgah Road. I live out of state so I can't attend the public hearings.

email of Jan. 29, 2012:

From my understanding the Chatham Board is ready to accept the latest map. Please convey to the Cary Town Council Board (I know some of them are new) that this is the final map of six years of work.

I am in full support of this final map - it reflects good long range planning. I own 35 acres of land on New Hope Church Rd - 2002 New Hope Church Rd - Chatham County.

George Terrone (email of Jan. 13, 2012 to Chatham and Cary)

I wanted to take this chance to express my strong opposition on two more general matters:

1. The mixed-use zone at the intersection of 751 and Lewter Shop. The Committee seems to have changed direction several times on this area - and many of us are extremely upset at the current plan. The discussion of these nodes at June 29th feedback session was ended by Mr Bock when he clearly indicated he would recommend these nodes be removed from the plan... But now we hear: "Bock does not want Chatham County to lose out by not having the mixed use node. At the public input session, speakers were against the mixed use nodes. Since then, property owners have indicated their support of the mixed use nodes. He stated with this additional input, he now supports the mixed use nodes."

No one blames the property owners within the proposed mixed-use boundaries for wanting to maximize the potential value of their properties. At the same time, this is a question of a potential zoning CHANGE - and to convert these properties from R-1 to mixed use - is a decision that should take into account the opinions of the ****overall community**** and not just the property owners who may stand to gain the most financially. The MAJORITY of the community is clearly AGAINST this kind of development, and the plan should reflect that.

2. Cary's request for extraterritorial jurisdiction (ETJ) authority over all properties in the proposed joint use plan except rural buffer zone properties. This clearly goes against the wishes of the majority of residents in the affected area.

Eileen Evans (emails to Cary)

Email of Jan. 25, 2012:

Thank you for your time and interest in the comments from the residents living next to and across from the property (owned by Keith Horrill) bordered by New Hope Church Road and Mt. Pisgah Church road being considered for annexation - or "the doughnut hole".

.. Why is the density on this property so great when the surrounding properties that are already developed are a much lesser density. In light of the Joint Land Use Plan (JLUP) in its current form, why is that node still in consideration for .. a density of 2 units per acre when all of the surrounding acreage is developed at 3-5 acres and greater with only 1 house per property?

Please consider compromising at 1 house per 3 acres. Even with this design, with the required setbacks making the residential area more dense than is desirable, I think this is a good compromise for all concerned. With 90 acres, this breaks down to 30 homes, many more than are in the Woods of Chatham development (21) (total acreage approx. 200 acres). Considering that there are very few if any developments like this so close to Durham, RTP, and Cary, I believe these properties would be snapped up in no time, even in this economy.

Email of Jan. 26, 2012:

...In Markham and on other properties in the VLDR areas along New Hope Church Road many landowners have horse farms and ride along NHCR. Having been a horse owner in the past I know what it's like to ride horses along a road where traffic is increasing - it's very dangerous. And with the possibility of there being an additional 180 homes built (with perhaps 2 cars per home), this would make NHCR virtually unuseable for horse owners.

Karl Thor (email of Jan. 25, 2012 to Cary)
for DavisandHighHouse.org et al

Attached is the MSWord draft of the email attachment I sent. I don't have the original email but the attached response from Erv Portman indicates it was sent on May 17, 2010, so you may be able to find the original.

I suspect Cary is looking at some very expensive sewage treatment plant costs (New Hill) on the horizon and the more people sharing those costs, the better. However, I think spreading our

population into Chatham is going to make supplying infrastructure more costly. Similarly, developing on the shores of our drinking supply is going to require more expensive purification solutions. It seems we should put our population growth where current infrastructure can handle it inexpensively, where transit hubs can mitigate the increased traffic, and where the pollution doesn't have such easy access to our drinking water. I know this doesn't make developers happy, but their profit margin is less important than my tax and water bills.

(Karl Thor et al letter of May 17, 2010 to Chatham-Cary Joint Issues Committee follows:)

Dear Cary - Chatham Joint Land Use Plan (CCJLP) Committee members:

On behalf of the thousands of members from our respective organizations, we would like to express our strong concerns regarding the land use plan for property adjacent to Jordan Lake and currently under discussion by you. Our general concern is the impact on Jordan Lake, but specific concerns listed below should also be addressed with residents prior to adoption of this plan. Your assistance in addressing the concerns with data-driven, evidence-based facts would be greatly appreciated.

Our primary concern is that this plan does not guarantee that the water quality of Jordan Lake will improve adequately (see attached May 2009 N&O article) and, despite the intentions of the plan's proponents, our members will be faced with a future bill in the \$100's of millions of dollars to provide adequate water quality. This situation currently exists for taxpayers in Durham and Raleigh regarding Falls Lake. A mistake in your assumptions about this plan's impact on the lake could be devastating for your constituents. We believe caution would be prudent and request consideration of an overall density of 1 unit per 5 acres as proposed in an earlier version of the plan with no mixed use areas.

At your March 18 meeting, the scientific presentation by Ms. Allison Weakley (Biologist/Ecologist with Robert J. Goldstein & Associates, Inc. Environmental Consultants) highlighted the unique and fragile geological conditions associated with that particular area of the Jordan Lake watershed (see attached pdf presentation). At your April 14 meeting it was clear that there are additional unanswered questions in regards to the impact of the plan on the surrounding area. The failure to control run-off associated with the 2006 Amberley development construction provides an excellent example of how sediment flows into Jordan Lake and displaces water capacity (see attached photo).

A decision that impacts the drinking water of potentially hundreds of thousands of residents must be evidence-based and data-driven, ***NOT*** assumption-based and speculation driven. The data can not be based solely on this specific CCJLP. It must take into consideration other developments in Chatham, Durham, and Orange Counties. Since all of these counties have a vested interest in protecting Jordan Lake and will share the cost of clean-up, an agreement must be established in regards to who develops what and where.

Finally, we believe that future planning should include a broader role for the people who own and live on the land, and presupposition of annexation of Chatham land by Cary should not be included in the plan until formal requests for annexation by those living on the land are made. The attached map shows property owned by those who oppose the plan.

While the impact on Jordan Lake is our primary concern, additional valid concerns are listed below, and we would greatly appreciate your assistance in obtaining data to address them.

We appreciate your time and consideration.

Sincerely;

Robert Sears (Chatham Co. United - CCU)
Karl Thor (DHH)
Trish Kirkpatrick?? (Morrisville Action C)
Elaine Chiosso (Haw River Assembly - HRA)
Cathy Heath (StopNC Annexation)
Paul Barth (New Hill Comm. Assoc. – NHCA)
Karen Rindge (WakeUp Wake Co)

Specific Concerns

- Involvement of Cary staff and officials in planning annexation and development of Chatham Co. land “as if the property owners didn’t even exist” and intruding on “their county’s sovereign authority”
 - CCU, DHH, StopNCAnnexation, NHCA
- Placement of a population and business center without regard for mass transit and public transportation plans
 - WakeUp Wake Co, DHH
- Effects of plan on Cary residents sewage rates
 - DHH, MAC
- Effects of plan on Cary property taxes levied on Chatham Co. property
 - CCU, StopNCAnnexation
- Effects of plan on Chatham Co. school costs
 - CCU
- Disappearance of farmland and beneficial aspects of a rural lifestyle such as local grown food
 - CCU, NHCA, DHH, MAC, HRA
- Disappearance of wildlife habitats such as the Bald Eagle viewing station
 - CCU, NHCA, DHH, MAC, HRA

Karl Thor (email of February 10, 2012 to Cary Town Council)

Attached are the most important points that time limits prevented me from sharing with you at the January 24 Public Hearing regarding concerns on the proposed Chatham County – Cary Joint Land Use Plan.

Since there is no urgent benefit to Cary taxpayers in developing land that so dramatically impacts our drinking water, and the potential detriment to our water supply would be virtually permanent, it seems prudent for this plan to be more carefully considered...or abandoned completely.

I did my best providing source documents to provide evidence for my comments when available. If you find they are lacking, incorrect, or unfair; please let me know.

Of particular importance is the 2008 run-off analysis (ref #14). The current plan calls for density TWICE the value in that analysis. Furthermore, that analysis relied on (and praised) published results of Line and White (2007) for their estimates of phosphate and nitrogen run-off, but ignored their estimates for “Total Suspended Solids” (TSS). Cary’s run-off analysis stated that “Line and White’s value of 1,958 kg/ha/ year is exceptionally high” and therefore (arbitrarily?) decided to reduce the amount of TSS to 25% of that value. Cary’s analysis did not provide any evidence for that value being “exceptionally high” nor did they provide any evidence why 25% of that value is a reasonable number. It appears as if this decision was based on someone’s unsubstantiated and arbitrary opinions, which result in a dangerous underestimation of sediment. Therefore, I have set the TSS upper range at values based on the study of Line and White (2007), i.e. 4 times higher than Cary’s analysis. Even without this correction factor, the amount of sediment, nitrogen, and phosphates added to Jordan Lake are incredibly

high...especially in consideration that Cary must reduce the pollutants from current levels!

The Cary analysis also tripled the ability of "Dry Detention" BMPs to remove nitrogen...because that was level of removal for phosphate. Why they believe that nitrogen and phosphate would be removed equally (especially when there is evidence to the contrary) was not defended and appears to be another arbitrary opinion.

Finally, "intermittent" and "ephemeral" stream buffers were reduced up to 50% of the US Geological Survey estimates based on a "field study". However, concerns about that field study being conducted during a time of drought requires more detailed information about the timing and implementation of the field study.

Thank you very much for your time and consideration.

Additional Letter with Citations:

Dear Cary Council and Staff,

Various Jordan Lake stakeholders are concerned about financial impacts and pollution of Jordan Lake (our drinking water supply and recreational asset) resulting from developments proposed in the Chatham County - Cary Joint Land Use Plan ¹ (CCCJLUP).

- Jordan Lake is already officially "impaired" according to state ² and federal agencies and must be cleaned up in the near future to meet regulations to provide drinking water... with a price of **\$2 BILLION** ³ (Durham engineering staff estimate).
 - The new development will worsen the problem by adding 1,000 to 5,000 **TONS** of sediment; 30 – 90 **TONS** of nitrogen; and 3-4 **TONS** of phosphorus **per year!**
14
- Current Jordan Lake problems are already expensive.
 - Cary tax-payer funded ^{4,5} "water conservation-related expenses"
 - \$1.75 million to install an aerator in Lake Jordan to meet current conditions ⁵
 - Tax money given for toilets and grass removal ⁴
- Local and state government regulations did not protect Jordan Lake from the last Cary development – Amberley and associated developments.
 - Despite Cary's concerted effort to specifically prevent development-related pollution from the Amberley development area ⁶, the run-off pollution and sediment was **reported to local and state agencies as being "a mess"** ⁷ and produced a fish kill in the lake.
- Across the last 14 years, **costs of growth in Cary have increased faster than revenue from growth** ⁸. The proposed Jordan Lake development will exacerbate and perpetuate Cary's budget problems into the distant future. This development becomes our (Cary taxpayers) financial liability in regards to providing future services.

A consortium of concerned citizens groups (Chatham County United, davisandhighhouse.org, Haw River Assembly, WakeUp Wake County, StopNC Annexation, and New Hill Community Assoc.) have carefully followed this plan since its inception in 2005 and have previously expressed various concerns.

Primary concerns:

- Plan is incomplete and vague in its scope, development details, and financial impact analyses. Water quality assessments are outdated and based on an assumed density ½

the current plan.

- This is not staff's fault. It is an inherent problem of fitting a square peg in a round hole.
- Any assessment of the plan will also be incomplete and vague and should be shelved.
- Plan allows developers excessive profit-maximizing / lake-destroying flexibility ¹.
- Increased cost of removing additional run-off pollutants entering our drinking water.
 - New plan adds 1,000 to 5,000 **TONS** of sediment; 30 – 90 **TONS** of nitrogen; and 3-4 **TONS** of phosphorus **per year!** ¹⁴.
 - Future water and sewage rate increases are certain.
 - There was virtually no discussion of other developments' impact on Jordan Lake and our drinking water (e.g. "751 South" residents' law suit in Durham ^{9,10}).
- Decreased water supply due to run-off-sediment displacing water from the lake.
 - See above
- Increased demand on our diminishing water supply.
 - 24,000 or so more people in 8,000 homes ¹.
- Decreased recreational value of Jordan Lake.
 - Decreased Cary home values.
- Increased costs of providing police, fire, trash collection, etc., to distant communities.
- Increased traffic, transportation costs, and pollution associated
 - Long distant commutes from Jordan Lake to employment and shopping centers in Raleigh and Durham.
 - Sales Tax increase proposed in Wake, Orange, and Durham counties for mass transit... that will not serve this development.
 - The nearest high school is 20 miles away!
 - Wake Co received an "F" grade in air quality for 2010 and 2011 ¹². This plan won't help.
- Landowners hate the idea for the most part.
 - Survey ¹³ shows they reject the plan by a **40:1 margin!** regarding the industrial and commercial development.
- Loss of farmlands and "local providers" of meats, dairy, and produce.
- Destruction of Bald Eagle nesting and other wildlife habitat.
 - Loss of federal game lands for hunters.

Recommendations:

- Table the plan until Cary residents actually stop listing growth as their #1 concern in biennial surveys.
- Direct future growth towards transportation, employment and shopping centers close to Raleigh and away from Lake Jordan.

- Reduce average density of the plan to 1 unit / 5 acres.
 - Eliminate the “mixed use node” of industrial and commercial uses.
 - **Require** development to follow “Low Impact Development” procedures.
 - Accurately assess the scope, as well as the financial and environmental impacts of the plan, before resubmitting.
 - Work with Chatham school board to consider a high school less than 20 miles away.
 - Work with NCDOT to assess required road improvements to NC 751 and Farrington Road.
 - Work with regional municipalities to coordinate Jordan Lake pollution.
1. The most recent version of the plan can be found here.
<http://www.chathamnc.org/Modules/ShowDocument.aspx?documentid=18420> The site also contains all the meeting minutes to verify statements regarding the plan development process.
 2. NCDENR report: http://portal.ncdenr.org/c/document_library/get_file?uuid=5aa1cee4-ed17-41c6-b601-ba3a4f2bb87f&groupId=235275
 3. N&O May 3, 2009: <http://www.newsobserver.com/2009/05/03/32887/jordan-lake-cleanup-will-be-costly.html>
 4. Toilet, rain barrel, and turf buy-back programs using Cary tax payer money:
<http://www.townofcary.org/Departments/Public Works and Utilities/Conservation/Water Conservation/Incentive Programs.htm>
 5. Aerator for Jordan Lake:
http://www.townofcary.org/Departments/Administration/pio/News_Releases/2011_News_Releases/ilaeration_systemnr.htm
 6. Cary ordinances put in place specifically to prevent damage from Amberly-related developments:
<http://www.townofcary.org/Assets/Planning+Department/Planning+Department+PDFs/northwest/waterqualitymodel.pdf>
 7. Poor protection from Amberly even with Cary’s ordinances: http://www.hawriver.org/?page_id=171
 8. Cary’s diminishing operating budget: <http://www.carynews.com/2012/01/21/51063/cary-likely-to-vote-on-tax-hike.html>
 9. Durham residents’ law suit against “751 South”: <http://www.indyweek.com/indyweek/751-south-lawsuit-headed-for-trial/Content?oid=2634896>
 10. Durham’s “751 South” developers’ added contributions to Jordan Lake pollution:
<http://www.thedurhamnews.com/2011/12/21/210239/751-south-plan-revised-reviled.html>
 11. Silt from construction run off: <http://www.newsobserver.com/2010/05/05/467583/halted-construction-fills-nc-waterways.html>
 12. Air quality F” grade from American Lung Association: <http://www.stateoftheair.org/2011/states/north-carolina/>
 13. Chatham resident survey: <http://www.chathamnc.org/Modules/ShowDocument.aspx?documentid=15808>
 14. “Analysis of alternative land use plans for the joint Chatham County – Town of Cary study area” TetraTech December 17, 2008.

Debora Sears (email of Jan. 13, 2012, to Chatham)

Dear Chatham County Commissioners,

Do not grant the Town of Cary's request for extraterritorial jurisdiction (ETJ) authority over all properties in the proposed joint use plan except rural buffer zone properties. Cary has asked to subject rural eastern Chatham County residents to its zoning and subdivision ordinances, housing and building codes (while issuing building permits), and regulations on roadway corridors. Our western Wake County neighbors have suffered under Cary regulations for over a decade without representation or recourse.

Cary does not have ETJ authority in our county. 100% of the residents with which I have spoken want to keep it that way. Per state law, only Chatham's BOC can grant Cary ETJ. You are urged to use the authority entrusted to you by your constituents to protect eastern Chatham from Cary's burdensome regulations.

Last summer we found that 88% of eastern Chatham's residents are opposed to Cary annexation or control. We are opposed to the increased regulation, increased taxes, and increased traffic associated with urban Cary located within rural Chatham County.

Amanda Ferguson (email of Jan. 27, 2012, to Chatham)

I have three children that attend North Chatham Elementary. We live in Colvard Farms and I see that we are not included in the joint land use plan for Cary. I was hoping you could tell me why?

Northwood High School is 25.7 miles from our home while the nearest Cary school is 7.6 miles and Durham is 4.9 miles. I also appears that Chatham will not have a new high school in time for any of my children to stay in the county. We love Chatham and all the families in it and wish the kids could stay together!

Tom Gendinning (Submitted online for Chatham Public Hearing)

Web – Jan. 14, 2012:

The Joint Chatham-Cary Land Use Plan is the best means for Chatham to have maximum influence and to receive the infrastructure benefits from Cary's development of the area.

A decision by the BOC in favor will create a cooperative effort and the best results for tax base increase and sound planning decisions. Developers working in Cary will afford fine residential and commercial subdivisions.

Cathy Wright (Submitted Online for Chatham Public Hearing)

Web – Jan. 17, 2012:

Thank you for the opportunity to speak this evening about the board's discussions of land use in the eastern portion of our county. As public servants, as leaders - I like to call it Servant Leaders - you have approached this subject in a wise and deliberate manner. That's what public policy leaders do, they seek ways to work together, calmly, respectfully and realistically.

The northeast part of Chatham is the fastest growing portion of the county. If we do nothing or if we consider only our side of the border with regard to land use in that part of the county, we will be left in the dust. As Cary continues to develop on their side of the line, and it will, Chatham will be disadvantaged if we ignore this or go-it-alone. We need to be realistic. A Chatham-only plan would leave us in the limited position of providing housing for the businesses that will appear across our border. And, we won't have the revenue needed to provide for the schools and other demanded services.

If we are at the table with Cary, we can leverage utility services that Cary can provide and bring businesses to Chatham. We must, and we can, work together to ensure that Jordan Lake is preserved and proper environmental safeguards are in place. I hope you will continue to work with Cary on a land use plan. I know you are working in the best interest of our citizens.

Thank you.

Elaine Chiosso, Haw River Assembly Riverkeeper

Letter Submitted at Chatham Public Hearing Jan. 17, 2012:

The Haw River Assembly urges greater protection for this planning region so close to Jordan Lake. The Jordan Lake Rules were signed into law in 2009 in order to start the process of

reducing pollution that has kept this lake on the state's Impaired Waters (303d) list since 2002. This joint plan could go far in protecting and restoring water quality in Jordan Lake, if that is seen as a primary goal. Residents of both Cary and Chatham County depend on Jordan Lake for drinking water, and many enjoy it for recreation. Elected officials have a great responsibility, and opportunity, with this plan to protect Jordan Lake instead of watching its continued degradation from development too close to its shores.

We believe that more protection for water quality, and ecosystem health would be achieved with these following recommendations:

- Do not zone any part of the Joint Land Use plan to be denser than an average of 1 dwelling unit per 1 acre. In the area east (Cary side) of the Rural Buffer Boundary, conservation developments could be built with clustered housing that would preserve more of the natural areas and be more protective of water quality than the typical cul-de-sac development seen in the western Cary jurisdiction. Fertilizer use from lawns and landscaping is one of the greatest contributors of nutrient pollution to Jordan Lake. Encouraging development that provides much greater conservation of natural areas would greatly reduce the use of fertilizers and herbicides harmful to aquatic life.
- Do not zone for mixed-use development anywhere in this planning area. The proximity of this zoning area to Jordan Lake is the reason this planning process was begun with Cary and Chatham County recognizing that Jordan Lake is a valuable resource to both jurisdictions. The mapped location for the mixed use area includes small headwater streams that flow into Jordan Lake. This type of development requires heavy land disturbance for buildings and parking lots. There is a very high probability that construction and post construction stormwater pollution will further damage Jordan Lake. There will also be secondary and cumulative impacts from locating a center for denser housing and commercial interests this close to Jordan Lake, and away from more urban areas where more services, including public transportation, are available.
- Chatham County has surface water (streams, wetlands, seeps and springs) buffer requirements that exceed the Town of Cary's regulations. Protection of small headwater streams in this planning area would be a major step towards prevention of downstream pollution into Jordan Lake resulting from new development. We think it is essential that these more protective buffers be adopted for the entire planning area.

This more protective zoning we are proposing is the only way we can ensure that new development does not significantly impair the already threatened and degraded water quality and wildlife of this important public resource. Jordan Lake is already impaired due to existing development in the entire watershed, but development built close to it has a much greater immediate and cumulative loading impact. Any new nutrient pollution from stormwater from new houses, commercial areas and their landscaping will add to Jordan Lake's algae growth.

Virtually all the new major development being built near Jordan Lake in the past decade— both in the Chatham and Cary jurisdictions, have created large plumes of muddy water, that degrade wildlife and recreation areas. Most of these developments have been issued Notices of Violation for sediment pollution. We cannot count on existing sedimentation control ordinances and the resources we currently have to carry out inspection and enforcement to be sufficient to stop more mud flowing from new major subdivisions.

I took this aerial photo in April of 2007 – it shows the muddy waters flowing from Northeast Creek under the 751 bridge into Jordan Lake. These muddy conditions were a constant sight to passing motorists for years, as Amberly and other western Cary subdivisions were being built.



This very sensitive area of land in the joint planning region has unique significance for residents of both counties. We offer these comments to enhance the protection of Jordan Lake for drinking water, recreation, and wildlife in a fast growing and increasingly thirsty region.

Sincerely

Elaine Chiosso
Haw Riverkeeper

Judith Butt (email of Jan. 17, 2012 to Chatham)

My name is Judith Butt and I reside at 112 Stone Edge in Pittsboro. I speak here today on behalf of CCEC.

CCEC has a number of specific concerns that we submit to you here in the hopes that the Joint Committee, the Chatham Planning Board and the Chatham Board of Commissioners will revisit these aspects of the draft plan before adoption.

We are concerned that the rural buffer line and the higher densities have encroached further west than planned prior to 2011. We are particularly concerned with the lack of transitions between the 1 dwelling per 5 acre density and the 2 dwellings per 1 acre density.

We are concerned with the unspecified boundary location and size of the mixed-use area. The draft states that the Rural Buffer Boundary west of 751 is not fixed by the plan map. Since this boundary determines the westward limit of annexation we find this lack of specificity unsettling.

CCEC is concerned that according to the draft plan Chatham County will not be developing design standards for the preservation of Chatham Rural Character. We worry that without Chatham County taking the lead on these standards Cary standards will become the default standards. We do not want Chatham County to end up looking like Cary.

We are concerned that the issues of satellite annexations and a possible Cary ETJ have not been resolved and that there is absolutely no assurance for Chatham County that zoning decisions made by both jurisdictions must be consistent with the adopted joint land use plan.

CCEC is concerned that Jordan Lake has not been sufficiently protected by the provisions of this plan.

More generally we are concerned that the increased densities will result in a critical need for Chatham to provide services and amenities to annexed areas as development moves westward and that we will not be sufficiently prepared.

Of course we are very concerned that all Chatham Citizens will see an increase in taxes to pay for these needs.

Thank you.

Carolina Siverson (Chatham Public Hearing Comment)

Comment submitted Jan. 17, 2012:

My name is Caroline Siverson I am speaking on behalf of CCEC.

First I would like to address the environmental issues associated with this land use plan.

CCEC understands the rationale for the very low density recommendations for the areas closest to Jordan Lake to offset the effects of those higher densities that are allowed to the east of the rural buffer boundary.

However we are disappointed that this latest map has pushed the rural buffer boundary line farther west so that in some locations it pushes up against, and, in a couple situations, even encroaches into the 1 mile Jordan Lake buffer line. We are also disappointed with the increased density of 2 houses per acre that covers most of the area east of the rural buffer line. On this map and in this draft plan the mixed-use area is not defined or limited in size and, in this location, the rural buffer boundary is not fixed and might float westward at some future date. There appear to be a number of headwater streams within this fuzzy area. This potential westward drift with the possibility of increased impervious surfaces for mixed use, could pose water quality issues for Jordan Lake.

The Jordan Lake Rules require Chatham County to meet requirements to reduce the amount of nitrogen and phosphorous reaching the lake. We question whether the potential negative impacts to Jordan Lake from these proposed densities east of the rural buffer boundary have been sufficiently considered.

During public input of the June 29th committee meeting, several citizens from the plan area commented on muddy waters flowing in the creeks running from Cary properties along the Wake County line. Is this what we can expect of Cary's watershed protection measures? Prior to 2011, the map contained language that stated that Cary would adopt Chatham's more protective rules for buffering ephemeral streams. That language has gone away. I guess it hardly matters in light of the recent Board request to amend the Watershed Protection Ordinance to redefine ephemeral streams so that many headwater streams will no longer be buffered. With this plan streams will no doubt continue to run muddy into the lake.

Secondly, CCEC is disappointed that the issue of design standards has not been more fully developed in this plan. A decision by the Joint Committee prior to 2011 stated that Chatham County would take the lead on developing design standards and that Cary would adopt Chatham design guidelines for the plan area under their jurisdiction. That language has gone away. Design standards are to be developed after plan adoption, most likely by Cary because Chatham staff has stated that we do not have the expertise to develop design standards. This is puzzling since Chatham developed design standards for the Compact Community Ordinance, and those standards have been used successfully in the development of Briar Chapel.

It is reasonable to sort out the details of design standards after plan adoption, but they should be Chatham County standards. It is also reasonable that the plan should articulate specific Chatham County design principles that would include the requirement of perimeter and viewshed buffers to provide for smooth transitions between densities and to reflect Chatham's unique character.

The Chatham County Land Use Plan states that Chatham County will be a place that cooperatively controls its own destiny to assure the state of well-being desired by all of our people, while proudly preserving diverse cultural heritages and the county's rural character. CCEC believes this draft plan falls short of this objective.

Email of Jan. 18, 2012:

Chatham/Cary plan for east of Jordan lake.

1. Zoning. Experience has taught me that regardless of a plan that is developed by Cary, they do not stand by it and alter it to fit the requests of developers. Southwest Cary plan and northwest Cary plan are the most recent examples.

2. Citizen-initiated annexation requests. Can not really stop them. Working out a suitable agreement with Cary may be impossible because of certain requests by Cary as relates to their satellite annexations and ETJ. Future discussions should start off with a commitment to no satellite annexations. IMO, if there is no ETJ given to Cary then satellite annexation may become too expensive and a moot point due to the lack of suitable space for development. I recommend that our citizens get involved with some statewide groups who are also working with the state legislature to prevent satellite annexations and annexations across county lines.

3. Extra territorial jurisdiction. Once the plan is adopted the town and county should NOT research or discuss the feasibility of granting the town of Cary ETJ authority in the plan area east of the rural buffer boundary.

Granting ETJ sets the wrong precedent. Cary is not the only city surrounding Chatham county that would like an ETJ. Once given to one government, how can our future government officials refuse others requests as it relates to the many cities and towns that surround Chatham county. Examples are Cary, Durham,, chapel hill, apex, Sanford, Carrboro, or any city that wants to expand. ETJ reduces Chatham county to the wishes of governments whose authority exists outside of Chatham county. We will not be a priority on their schedule. If this board wishes to grant ETJ authority to the east side of Jordan lake to anyone, then let it be Pittsboro.

4. Notification of use of federal lands around Jordan lake. This should be decided with citizen board representation and input through citizens actually sitting on the board that is discussing it.

5. Design guidelines. If a landowner requests annexation of their property into Cary for development then Cary design guidelines should be followed. If a Chatham county landowner wants to develop their land without annexation then Chatham county design guidelines should be used. And if the two guidelines agree, then even better and so be it.

6. Transportation plan. This will evolve with development.

7. Public schools. A real problem that needs expert study. My own feeling is that if a city or town wishes to cross over a county line it should be that city or towns responsibility to educate those children. It should not become a burden on the county being invaded, especially when less than 20 000 acres are being discussed. Again I will ask our people to get involved with changing laws allowing cities to cross county lines for expansion.

8. Parks and greenways. The two parks being planned by Cary next to the American tobacco trail should be sufficient. I would also recommend a request to Cary to include and involve Chatham county citizens when planning for the parks and trails in Chatham county and they should appoint a Chatham county member or more to their parks and recreation board with voting rights involving Chatham county issues only. The more parks, the more traffic, the more traffic, the more pollution. The more pollution then why use the excuse of saving the lake?

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We must face the fact that there will be landowners of chatham county who will submit annexation requests to Cary and other cities on the border with Chatham county. Under present laws no one can prevent that and the reality is no one should. I do not want anyone telling me what to do on my land and I surely do not want to tell anyone else what to do on their land. So IMO, a plan is convenient.

SOME REALITIES:

The reality we have here is planning is a good thing. The reality is that Chatham landowners will be requesting Cary's services. The reality is it does not matter if a plan is in place or not. All a plan does is set people's expectations to a level that allows them to think positive about development or negative about development. It also has nothing to do with "preserving the lake". The plan only has to do with either control by the people of their land or control by governments of their land. The fight is nothing more than that.

This issue has gone on far too long. I think it may turn out to be a good plan. I would recommend voting for the plan because having a plan is better than not having a plan. But that is as far as I can recommend. I can not recommend ETJ. In this case, it is just a governmental control issue over people living in a different county than the city. And if those discussions do take place then there is always voters revenge at the ballot box. Two commissioners are up for reelection this year. The first question I will ask all candidates is how you view giving ETJ to towns or cities outside of Chatham county? If you want my vote, and if you want many Chatham county votes you will think long and hard about your answer. And I will require an answer.

One reason citizens of NC were successful in getting some of the forced or non-voluntary annexations laws changed was because we got rid of many of those politicians in favor of cities taking over people's land. They were not and never were interested in protecting a citizens right to decide that issue for themselves. We have that right now with the current legislature. We still need to change more of our annexations laws and I implore Chatham county citizens to get involved with that statewide issue. Many cities, via the league of municipalities, are still fighting this issue in the courts. It is my understanding that the republican leader of the state senate sent a letter to these cities saying that if they continued with these suits against the citizens then the state constitution gives the right to the state house and senate to establish the borders of cities, and they will set those boundries. We will see what happens with that issue. More importantly, we will see what happens with this cary issue.

I just remind everyone that regardless if there is a plan or no plan, if no one sells their land, Cary will not be coming. However, if yourself, or your neighbor so desires to request Cary services, we at least know, in general terms, how it will be developed. And that is a good thing.

Peggy Buckingham (email to Chatham)

Email of Jan. 18, 2012:

Hello,

I am writing this letter as requested at last night's Chatham County Board of Commissioners Meeting.

My name is Peggy Buckingham and I am a land owner of 33 acres located at the intersection of O'Kelly Chapel Rd and Pittard Sears Rd.

This land is located just 5 minutes away from RTP, which has played a major role in making this area #1 to live in the entire country. This did not happen without growth and development.

I am requesting that our parcel of land be modified to Medium Density in the Chatham-Cary

Joint Land Use Plan before it is finalized.

Most of the land surrounding our parcel is either already developed or being developed. Our land is one of the last remaining undeveloped areas in the immediate vicinity.

Making our parcel Medium Density would be a good fit to what is being developed right across the street (Carolina Preserve at Amberly). There are streams that run most of the entire western side of our property that quantifies as low or rather no density (no matter what the density is) that acts as a natural buffer to the already developed property immediately to the west of our property.

Thank you for your listening and I appreciate your consideration to our request of making our parcel of land Medium Density.

Jeff Starkweather (Chatham Public Hearing Comment)

Comment submitted Jan. 17, 2012:

"Ironically, rural America has become viewed by a growing number of Americans as having a higher quality of life not because of what it has, but rather because of what it does not have!"

So stated Don A. Dillman, one of the nation's foremost rural sociologists.

Most residents of this area and the vast majority of Chatham citizens do not want to see Cary bulldozing itself further into eastern Chatham.

The land use plans for this area will affect everyone in Chatham County, particularly our hard pressed taxpayers, as well as future generations.

I have spoken before on the specifics of the plans. Tonight I have three general bottom-line concerns:

First and foremost, the elected officials of both Chatham and the Town of Cary should be guided primarily by the desires of the people who live in the affected area. Based on my direct observation and review of the joint meetings, I do not believe this has occurred since our new Chatham board majority took over these negotiations. Residents in the affected area should be able to determine the destiny of their community.

Second, residents of this area have clearly expressed their wish to maintain our rural character. They oppose suburban sprawl with its pollution, traffic jams, noise, and visual clutter. They have expressly stated they do not want to become "Cary-fied" by having to rely on Cary's urban and suburban design standards.

Chatham residents in this area want Chatham design standards in place before the plan is approved, not in 2013.

Finally, residents of this area want a direct say concerning development proposals in their community. They want to be able to have a voice in whether "voluntary satellite annexation" or what I refer to as "developer annexation" of nearby land is allowed. No matter how detailed this plan is it is not legally enforceable if a subsequent Cary elected board decides to go in a different direction.

For this reason, it is imperative that Cary and Chatham come together to have the General Assembly enact a local bill that gives both boards the power to approve or disapprove a development, annexation request, or change in the plan. Without such authority, this joint land use plan exercise is meaningless window dressing.

Unfortunately, we gave away our leverage on this issue when the current board approved the Western Wake sewer line across the county without insisting on this requirement as part of the agreement. But now we should test Cary's good faith and not approve this plan until they

formally agree on a local bill giving Chatham equal land use authority over this area.

In closing I want to quote from 16th Century poet William Cowper: “*God made the country, man made the town.*” What he said then is true today. Let us not destroy the country God made in order to accommodate the expansion of Cary.

Esta Cohen (Chatham Public Hearing Comment)

Comment Submitted Jan. 17, 2012:

My name is Esta Cohen and I am speaking on behalf of CCEC.

In addition to its guiding principles, the Joint Land Use Plan states that: citizen input **is** an important component of the plan development process.

A review of the petitions submitted to the committee, and the citizen comments on record, show a clear majority **opposed** to the higher densities and the mixed-use area as designated on the draft plan.

CCEC shares many of the concerns voiced by these citizens.

As a farmer in Chatham County I am obviously sensitive to the issue of farmland preservation.

Back when tobacco was king, this part of Chatham was dotted with family farms, it defined our character.

Over the years, land uses in the designated plan area have changed dramatically, but there still remains a rural and agricultural component to this area. The densities called for east of the rural buffer will eventually force out any remaining farms. Eliminating our agricultural heritage in that part of Chatham.

For without sensible density transitions, farmers *will* find themselves across the road from high density or mixed-use developments; and if you want to know how well that works out, just ask the one farmer left by Cole Park how things are fairing over there. And then ask the residents in the neighboring subdivisions how much they like being downwind from his pigs on a hot, humid summers day. These land uses are not really compatible.

A common committee response to citizen concerns has been that “nothing will change if the land is not sold.”

Implying that it’s the farmer’s fault.

This is either naïve, cynical, or knowingly manipulative. Property owners in an area that has seen land use changes way beyond their control, be it from the demise of tobacco farming or the Jordan Lake land grab, really don’t have much of a choice.

If implementation of this plan goes forward as presently outlined, zoning will *have* to change, greatly affecting landowners. In light of the campaign rhetoric we heard from committee members equating zoning with property taking, we are curious as to when that will happen.

Not everyone can be pleased in an endeavor such as this, and inevitably there are winners and losers. It is extremely difficult to ensure that the benefits and burdens of growth are shared, but surely a better job can be done than is presented in this plan.

CCEC feels that this plan does not come close to meeting a standard of shared burdens, and encourages this committee to revisit the issues raised by citizens, in a better effort to adopt a balanced and enforceable plan.

Don d'Ambrosi (Chatham Public Hearing Comment)

Comment Submitted Jan. 17, 2012:

Commissioners; Mr. Manager; fellow citizens: Good Evening.

My name is Don d'Ambrosi. My wife Marie and I reside in Chatham County. My wife and I own 27 plus acres in Chatham County where we reside. While we have no intentions of developing our property at this time we are keenly aware that as we get older we may have to cash in some or all of our property in order to provide for us in our golden years. We have seen this first hand with several of our elderly family members.

We commend you on forging a plan to guide the future use of land to avoid chaos that would otherwise result along with a crazy quilt of land uses and demands for urban services. If anything what you are doing is probably too conservative. More intensity allowed farther away from the Lake will in my opinion tend to relieve the immediate Lake area from development pressure for a much longer time period into the future. Also increased density and intensity would provide longer term capabilities to accommodate future population growth, allow for the development of services in closer proximity to the residents and provide increased revenues to the County.

Much has and will be said about this plan rezoning property; raising taxes; and forcing annexations to Cary. Nothing could be further from the truth. We owners must petition to increase our zoning. I see you potentially downzoning areas to meet the guidelines proposed for the immediate area around the Lake but I do not see you up zoning property when you will be able to clip a fee from the landowner for doing so.

Establishing a Plan does not change the zoning or the use of the land...two key considerations for increasing the value of property and triggering a commensurate increase in taxes. Here again this will be a matter of choice by the owner. If the owner leaves things as they are taxes will only increase as necessary to keep pace with inflation and expansions of County services and as values for the established level of land use may fluctuate.

Annexation is now a voluntary decision by property owners. True, currently if you choose to connect to Cary utilities you will have to annex. But again that is a choice made by the Landowner. All of that could be mooted if Chatham were to buy into the Western Wake Partnership and obtain sewer capacity for the intended areas of higher intensity and density development that are identified on this plan. Then Chatham could possibly contract with Cary to provide services to the Chatham customers much the same way Rolesville, Garner, Knightdale, Wake Forest and others have done with Raleigh. Should such a plan be implemented there may never be a need for another square inch of land in Chatham to be annexed to Cary.

This as is any other Plan is not a static document. It will be revisited and adjusted as time and circumstances change. However for now it is a great start towards shaping the future in a practical, reasonable and responsible manner. Move forward with this crucial first step and follow up to establish appropriate policies and ordinances to allow landowners to bring the plan

to reality as they choose to do so. Appropriate attention to the utility issue can resolve that concern in a win-win-win manner for Chatham, all landowners and Cary.

Bettie Toma (email to Chatham)

Email of Jan. 18, 2012:

I reside on Lewter Shop Road. I do not want my land 13 + acres to be zoned as Mixed-Use. It is not currently in the Mixed-Use zone but it is very close to it and has been within the zone in past. I am not in favor of Cary dictating what happens to our land and feel that we should have an equal voice in what happens in our county. I applaud the board's decision to do away with considering the Cary ETJ and hope that it is not coming back to haunt us through some other means. Please continue to fight for Chatham County and do not give Cary any more rights over us -- it is downright un-American. Thank you.

Malcolm Riggsbee et al (Letters sent to Chatham and Cary)

Letters of Jan. 28-30, 2012:

I wish to express support to adopt a long-range Chatham-Cary Joint Land Use Plan that allows for future planned development of the areas closest to RTP and existing Town of Cary limits, while also providing greatest protection of the lands within the existing Jordan Lake buffer. Specifically I express my strong support for adoption of these plan characteristics:

1. Designation of a Rural Buffer Boundary (RBB) placed as per the current draft map or farther westward, allowing for a greater municipal utility service area than the draft map. Providing municipal services to the areas closest to RTP limits sprawl and reduces traffic into farther out areas.
2. A preferred land-use designation of no less than 2 du/acre (Low-Density Residential) for all parcels on the eastern (Cary) side of the RBB. This compromise density limits sprawl by encouraging development closer to the RTP job center, and available services. Land owners who explicitly opt for a lower density for their parcels should be accommodated.
3. Those land parcels located near the intersection of Mt. Pisgah Church Road and New Hope Church Road and shown on the draft map on the eastern side of the RBB should be maintained on the eastern side of the RBB and designated as Low-Density Residential. These parcels are approximately within 2000' of Cary Town limits, and 3.2 miles from RTP. These parcels may seem like an exception on the map. However the exception is actually made for those land owners to the east who requested a lower density on their own parcels. Their right to have as they wish for their own property should be respected, but such choice should not be imposed on others.
4. Allow for mixed use development within the municipal utilities service area, and as depicted on the current draft map.
5. Allow for Medium-Density Residential development along Pittard Sears Road as is consistent with existing adjacent development Carolina Preserve active adult community.

Sincerely,

Malcom Riggsbee

Daniel Faulk

Shell Lin

David C. Yeh

Hastletine Riggsbee

Gregory Levine

Tracy A. Stitt

Jonathan Riggsbee

Randall L. Stitt

Ross Stitt

Sue C. Riggsbee

Cerelisa Burr

Michelle Yeh

Keith & Jamie Horil (Letter to Cary Town Council)

Letter of February 4, 2012:

To the Town of Cary Mayor, Council, Planning Board, and Planning Staff:

Thank you for undertaking long-range planning of how Cary should grow westward and into Chatham County. Cary is an admired and broadly respected town that grew from humble roots and a farming history. Much of the impetuous [sic] that developed present-day Cary out of the agricultural and farm land it once was is owed to the need for quality housing in close proximity to RTP. Even as Cary has diversified beyond its early purposes, this need for close-in housing continues to increase due to social, financial and environmental costs of long commutes.

My property within the planning area is very close to both Cary and RTP, and is recommended for Low Density Residential use. I support this designation and urge Cary to approve the draft land use plan approved by the representatives of Chatham County.

Some neighbors question why this area is recommended this way instead of at a lower density or on the other side of the rural buffer boundary. The answers are simple: proximity to RTP, prudent land use planning, and protection of Jordan Lake. A lower density alternative may meet the personal preference of a few neighbors, but it would fail to designate the area for its highest and best purpose to provide housing close to RTP. Designating this land at lower density than recommended would push housing even farther into remote areas.

Others argue that development in eastern Chatham County is bad for the environment surrounding Jordan Lake. Some suggest that Cary is to blame for impairment of Jordan Lake waters. These are false arguments meant to evoke an emotional response in favor of individual dissenting preferences. The fact is, according to the NC Division of Water Quality, Jordan Lake has experienced water quality problems from the time it was first created two decades ago. Future development of this area under Cary's governance and with access to sewer utilities will protect the watershed to a greater degree than is presently available today.

Lastly, development of eastern Chatham County is essential to provide much needed and long-deterred economic diversification and stability for Chatham. The areas near Cary, RTP, and Chapel Hill represent the greatest opportunities for Chatham County to realize this diversification. And for Cary, a portion of eastern Chatham County represents a great opportunity to continue offering new residents a firsthand opportunity to experience all that Cary has to offer.

Thank you for your dedicated service and hard work.

Eric Lam (emails to Chatham)

Email of Nov. 23, 2011:

Could you tell me if this is the very last public hearing for this Joint Land Use Plan? I have been waiting for last 4 years. Since we don't have high school for this Cary of Chatham area, is this possible to implement the school first ? I see that Chatham included a new North Eastern High School in their 2013-2019 budget.

Email of Nov. 28, 2011:

Since 2007, the house sales of Peninsula subdivision in Cary of Chatham dropped like a stone because our high school is 45 minutes away in Pittsboro but the Wake county schools are only few minutes from us and we can't not attend them. My house already lost about \$200K in value. It is not because of housing crisis, it is mostly because our school issue. Attached pictures are the proof. I can't sell my house now without losing both arms and legs now. Builders are building basement houses \$210K less than my house now. This is a trap set up by Cary Annexation with no planning of school and county services by Chatham. it sounds like the Joint Land Use Plan is still 1 to 2 years before completion. I hope I can wait another 5 sad years for the North East Chatham school but it is still far from us comparing to Green Hope and Panther Creek High School in Wake.

(Email attachment included annotated maps of development in the area as of 2005, 2007, 2010,

and 2011; schools in the Chatham/Wake border area; and a nearby development. Only the schools map is included below. Contact Chatham or Cary Planning Department staff for copies of other maps. Email attachment included the following statements:)

The following pictures proof that the sales at Peninsula Subdivision in Chatham County is the worst comparing to all near by communities in Wake County since 2005.

Primary Reasons (in my opinion):

- Wake county schools are consider superior to Chatham county schools.
- Chatham county schools are very far away from Peninsula but Wake county schools are very close.
- Residents in Peninsula are not allowed to attend Wake county school.
- A small graveyad in the center island of Peninsula's main entrance.
- No county service, no shopping, no school, and no park in this Chatham area.
- Tax rate in Chatham is only slightly less than Wake.
- Local Chatham residents strongly resist to develop this area.
- Only few sales since 2005. Original developer of Peninsula filed bankruptcy. No one maintains roads for few years already.

Picture 6 - School Locations Map

