

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARING
COMPACT COMMUNITIES ORDINANCE
MARCH 23, 2004

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, Courthouse Circle, located in Pittsboro, North Carolina, at 7:00 PM on March 23, 2004.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, Bunkey Morgan, and Bob Atwater; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 7:00 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

- Chairman Emerson invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Pollard delivered the invocation.

- The Chairman welcomed those in attendance, and encouraged those making public comments to limit their comments to three minutes per person.

COMPACT COMMUNITIES ORDINANCE PUBLIC HEARING

Compact Communities Ordinance Public Hearing: Public hearing to receive public comments on the proposed Compact Communities Ordinance

Keith Megginson, Chatham County Planning Director explained the guidelines and specifics of the proposed Compact Communities Ordinance.

Tony Tucker, Chatham County Economic Development President, 118 West Street, Pittsboro, NC, stated that his eleven member board represents a cross-section of the community; that his office tracks growth; that Chatham County is growing mostly due to its location; that Chatham averages five hundred new housing starts on large lots with septic tanks and wells; that urban planners stress that people need more facilities near them so they may access them by foot; that the County is not currently practicing these policies; that this ordinance would allow the County to do that; and that the Economic Development Board of Directors urges adoption of the Compact Communities Ordinance.

Dave Stallard, 649 Fearrington Post, Pittsboro, NC, stated that he was reporting on the economic impact of a compact community. He stated that there was great controversy about the number of students per household during the Briar Chapel proposal; that the Compact Communities Ordinance is a response to Briar Chapel; that the Board of Commissioners needs a better estimate of the number of students per household; that he has estimated the numbers more closely; that the Wake County School System has used the same; that 2,500 living units would equal a net loss of five million dollars; that

there are three reasons for the loss: 1) Better estimate of student and total population; 2) Newer cost data; 3) Simpler and closer interpretation of the budget; and that he suggests a size limit of 1,500 living units.

Richard Van Iten, 596C Fearington Post, Pittsboro, NC, spokesperson for the Fearington Village Homeowners stated that several sections are singled out for criticism and commendation; that there is a concern about water quality of the Jordan Lake Reservoir; that developments should be required to meet the standards set forth by the ordinance; that it is vital that the vegetative buffers remain intact; that it endorses perimeter buffers of 200' and is a modest recognition of the property rights of those owners whose properties are affected; that the Board of Directors of the Fearington Village Homeowners Association urges the Board of Commissioners to strengthen this section, stipulating that any reduction deviation from the 200 foot requirement must have the consent of at least 75% of the adjoining property owners; that Section 11.1 is a critical component of the proposed ordinance; that a competent, neutral professional peer review of the developer's impact assessment is an absolutely essential requirement in fulfilling the intent of Section 11.1; that the Board of Directors of Fearington Village urges that Section 11.1 remain part of the ordinance; that two sections of the proposed ordinance are especially troublesome; that Section 6.2 allows for a maximum size of 2,500 dwelling units; that the Land Conservation & Development Plan for Chatham County is visionary and astute in that it quite accurately identifies what it is about this County that its residents find appealing and what merits being maintained and protected in trust for those who will be the County's future residents; that the plan advocates that the size limit stated in Section 6.2 be reduced from 2,500 to 1,500 dwelling units; that Section 15 of the proposed ordinance is extremely troublesome in that it has the effect of diminishing the public's opportunity and right to participate in the democratic process of deliberation whereby a finding of "reasonableness" or "Unreasonableness" may be made; and that the Board of Directors of the Fearington Village Homeowners Association strongly urges Section 15 be deleted from the ordinance the Board of Commissioners ultimately approves.

Rita Spina, 12 Fearington, Pittsboro, NC, stated that the Compact Communities Ordinance has had numerous hours poured into it; that it has come with more public input than any before; that this ordinance will change the face of the County; that everyone has a stake in Chatham County regardless of how they got here; that each person must give up something; that all must make sure all parts of the Compact Communities Ordinance supports the change in a careful way; that there have already been changes and it has been watered down; that they are not convinced that growth has been a deliberation with citizens; that there is a myth of fiscal gain; that only with industry, good water and good planning come gain; that many moved here for the clean air, clean water, and less traffic; that the Board of Commissioners' responsibility is to look at all details to see how it affects all citizens; that CCEC supports growth that is reasonably and rationally planned and support the general views of the Compact Communities Ordinance; that it must include the strategic plan and environmental impact plan (2000); that the size of dwelling units has been tailored to the developer; that there is no clear rationale for density calculations; that there could conceivably be a population of 10,729 people; that in the LUP there is a 400 to 1,000 acre limit to developments; that the Compact Communities Ordinance is concerned about separation distance between compact communities; that the Land Use Plan recommended the exterior boundary should be a distance of two miles from another compact community; that the draft eliminates the separation requirements altogether; that they may be stacked up on top of one another; that they cannot support the Compact communities Ordinance without County impact studies for three different size communities; and that they want to be confident that they will not be compromised by false securities.

Barbara Ford, 103 Persimmon Hill Trail, Pittsboro, NC, stated that there is a real danger that costs may exceed tax revenue generated; that the loss could be in excess of five million dollars; that they are asking if the County has all the information needed; that they are asking if the County is going to be

able to accommodate the additional school children a 2,500 home compact community would bring; that Chatham citizens will have to absorb these costs; that some schools are at or over capacity and some have empty classroom space; that current schools are in disrepair; that redistricting will be a hard sell; that everyone will need to pay for new schools in northeast Chatham; that economic development is important, but without quality schools it will be impossible; that large developments will not provide equitable funding for the entire County, but will burden the whole County; and that questions remain about whether or not large developments can pay for the services it will require. She urged the Board to be cautious and conservative in deciding the maximum density it will allow.

James Granger, 75 Fearrington, Pittsboro, NC, stated that he is presenting CCEC position on traffic analysis; that as a founding member of Chatham Citizens for Effective Communities (CCEC) and as a retired physician, he is concerned with the profound effect that the compact community will have on the traffic flow on Highway #15-501 and the citizens of all ages who do and will live in this corridor; that if 1500, 2000, and 2500 units are built, it is anticipated that each household would generate 10 trips per day leading to 15,000, 20,000, and 25,000 trips per day; that certainly DOT will have a challenge to synchronize the numerous traffic lights and the residents will have to be patient and plan well to avoid delays; that he is very aware of the problems with pollution in our area and would expect that with increased traffic flow, that physicians would see more cases of respiratory illness in both children and seniors who would reside in the corridor; that a mass transit system should be incorporated into the basic design of the compact community; that there should also be a plan for who pays the 25% subsidy required of the County to operate such a system; that everyone must jointly plan for the future and assure effective communication between all stakeholders; that he is guardedly optimistic that this task can be accomplished in Chatham County; and that CCEC is committed to this mission.

Gary Simpson, 420 Russet Run, Pittsboro, NC, stated that he is representing CCEC; that there are two different belief systems; that big development can bring big bucks into the County; that builders and developers have told us this; that when looking for an economic savior, promises of money can sound like the Gospel; that "bigger is better" and a "win-win" message proclaimed by evangelists of residential development is tempting to believe; that unfortunately they have been proven to be false prophets of profit over and over again; that Chatham County government and that of municipalities with the County would be better served by enacting strong ordinances built upon sound principles of "smart growth" rather than dumb luck; that the draft ordinance under consideration is not such a strong model ordinance; that it is a poor compromise; that not only will the people of the County, particularly the northeast sector, live under a weakened ordinance but the County will not reap the monetary rewards some believe it will; that this will be the case because every "Cost of Community Services Study" that has been taken across the land and more particularly in this area, shows it to be the case; that these are not new findings; that in 1998, a report to the Chatham County Planning Department indicated that "for each dollar in property tax and other revenues generated by residential land uses, the County spends somewhere between \$1.07 and \$1.12 to provide services supporting those land uses...in other words, the residential sector is on balance a net user of local public finance."; that a 2001 study for Wake County indicates that "for each dollar in property tax and other revenues generated by residential land uses, the County spends \$1.54 to provide services supporting those land uses."; that after nearly two years of work by the LUPIC and the Planning Board, the curtain falls on yet another episode of the ongoing serial, "The Perils of Chatham County"; and that he hopes everyone will consider all the points in question.

Halford House, 611 Vickers Road, Pittsboro, NC, stated that he is a water quality professional; that this ordinance needed to plan for long-term water quality; that that was followed throughout the process; that the draft was put before the division of water quality and got their blessing; that there are several issues: water supply; wastewater management; stormwater; buffers; that every time there is a project proposed, there should be a water audit to assure that there is an adequate water supply; that

water quality is an issue; that our current supply has cancerous elements; that wastewater management is a big issue; that the stormwater issue has a clause in the draft; that it is less expensive and is more effective and that it protects water quality; that it is much easier to manage water at the source; that stormwater ponds in buffers negates the effectiveness; that ponds need to be included in the development and not in the buffers. A copy of Mr. House's comments are attached hereto and by reference made a part hereof.

Richard Hayes, 612 Oak Island, Chapel Hill, NC, stated that he is a licensed soil scientist; that he is a member CCEC and will comment on buffers; that Section 9.1, as proposed by the Planning Board, is vital to protecting the water in Chatham County; that in Draft B the protection for streams would be detrimental; that intermittent streams play a critical role in the water supply in the County; that there are many streams that have not been identified on topography maps; that failure to include this information would be a mistake; that the Compact Communities Ordinance passed by the Planning Board is a well-written section regarding buffers and preserving streams; and that he urges the Board of Commissioners to adopt Section 9.1 as developed by Planning Board.

Evelyn Barrow, 682 Fearrington, Pittsboro, NC, stated that she would like to address the commercial component on behalf of the CCEC. She stated that Section 6.5 needs an amendment; that a minimum area is specified at no less than 10,000 square feet with no upper limit; that establishments inside the community should be no more than 10,000 square feet; that they recommend an upper limit of the peripheral establishments to avoid a super store along the Highway #15-501 corridor; and that they recommend no more than 50,000 square feet.

Jeffrey Starkweather, PO Box 217, Pittsboro, NC, stated that he represents the CCEC on the issue of affordable housing; that he congratulates the initiative of both the Board of Commissioners and Planning Board to have at least 5% of housing be affordable for low and moderate income households; that the proposed Option B would allow all affordable housing to be located off-site; that this is unacceptable because it would defeat one of the key concepts of the Compact Communities Ordinance; that one of the tenets is to avoid tracts of development at a high end; that it would not allow access to employment; that the rising gap between haves and have-nots creates a crisis for affordable housing; that the National Board of Realtors acknowledges that compact communities are a vehicle for affordable housing; that the State and many local governments are on board with this philosophy; that there are two ways to address the gap; that one way is to increase wages of workers; that the other is to reduce the cost of housing; that they can stabilize prices by reducing the size or raising rates in residential communities; that requiring affordable housing also assures high growth areas are economically diverse; that without affordable housing in compact communities, low and moderate income families would live further away from employment centers and add to traffic problems; that traffic is already a major concern; that CCEC urges the 5% of on-site affordable housing; that off-site be built within a reasonable distance of five miles; that otherwise, their own economic development goals will be defeated—to provide affordable housing near those centers of economic activity where growth is occurring; and that since Alternative C requires County approval, it can be legally negotiated by the County with a developer if they request this alternative.

Roland McReynolds, 1424 Bynum Ridge Road, Pittsboro, NC, stated that he is speaking on behalf of CCEC on Section 15; that the County Attorney has not explicitly stated that a waiver provision is necessary to make the Compact Communities Ordinance constitutional; that rather, in their written comments regarding the CCO, Messrs. Gunn and Messick have implied that the waiver provision is necessary on constitutional grounds by citing the California case *Home Builders Association of Northern California v. Napa*; that implication is correct; that Ben Hitchings, principal planner with the Triangle J Council of Governments, accurately observed in a February 10th e-mail to Keith Megginson and Planning Board members that the *Napa* case is not “legally analogous, since in that case the [zoning

restriction at issue in the lawsuit] was included as a requirement for all developments over a certain size, not simply in a conditional use and rezoning option selected by the developer as in [the case of the CCO].”; that there are simply no grounds for a constitutional challenge of the conditional use permitting process contemplated in the CCO; that it is a mechanism for granting a developer an opportunity to create a community that would not otherwise be permitted under the existing, constitutionally valid zoning regulations; that in other words, it gives new rights to developers who choose the compact community option instead of taking existing rights away; that the explicit argument advanced by Messrs. Gunn and Messick for including Section 15 is that they “believe the Board of Commissioners needs” the “flexibility to consider a request from a developer to modify the terms of the ordinance in the event there was not rational nexus between the ordinance term and the specific project.”; that that ignores the fact that the Board of Commissioners already has that authority under the existing variance procedures under the County’s zoning ordinance and through its authority, often exercised, to amend the ordinance; that it also ignores the fact that the CCO standards as developed by the Planning Board include broad flexibility for developer and the County to ensure the goals of the ordinance are met; that the underlying point is that including Section 15 is a policy decision, not a legal one; that the Institute of Government’s David Owens, pointedly stated in letters to Mr. Hitchings and Planning Board Chair George Lucier that he would “leave the public policy and political wisdom/desirability of a waiver provision to others.”; that the Board has indicated it wants to adopt the CCO so that everyone in the community, citizens, and developers alike will have a common ground of understanding about what a compact community should look like; that it is a sound policy objective that has received nearly unanimous public support; that Section 15 fatally undermines that objective; and that given the climate of public mistrust that has become so apparent over the last several months, it is wise to avoid including in the CCO a provision that creates no real benefit for the County or for property owners.

Loyse Hurley, 16 Fearington stated that she will present a brief wrap-up of CCEC views. She thanked the Planning Board and individual citizens for their time and effort to try to make this a good ordinance. She stated that given the recent developments, they are not optimistic that the Commissioners are listening to the citizens of Chatham County but stated that each speaker has provided them with a detailed analysis for the record; that this Compact Community Ordinance is basically a good one which provides overall protection for the County, the citizens, and the future; that there are some reservations; that in addition to the very serious legal issues addressed, the bulk of the issues of concern are related to size, wastewater treatment and disposal, storm water, traffic and fiscal impacts—all directly dependent on size; that allowing up to 2,500 living units, with an overall population larger than Pittsboro and Siler City combined, will adversely impact the area as their comparison chart shows; that they are requesting that the size limitation in this first venture into dense community development be reduced; that with the letter they are bringing this evening, including those submitted on January 20, 2004, the CCEC has submitted a total of 1030 letters signed by Chatham citizens requesting that the Board fully evaluate the costs to Chatham from residential development. They asked that their letters be made an official part of the record and that the record reflect that these letters come from not only communities with the designated northeast compact community area, but also from Fearington, The Preserve, Bynum, Pittsboro, Apex, Moncure, Goldston, and Siler City; that the CCEC consists of concerned citizens throughout the County who support responsible growth in Chatham; that they ask that the Board commit to principles of smart growth and allow this beautiful County to grow in a responsible manner—consistent with the Land Use Plan which will not over burden the environment or taxes—and that the Board add to, not subtract from, the quality of life that they currently enjoy. The letters are attached hereto and by reference made a part hereof.

Rachel Winters, 127 Lady Bug Lane, Chapel Hill, NC, stated that she was speaking on behalf of the Haw River Assembly (HRA); that many others had already addressed their concerns, conservation and preservation of resources; that the most important point they would like to address is the language

allowing the Board of Commissioners to waive any of the requirements in the ordinance at the request of a developer which they feel is a very ill conceived idea; that any hopes that citizens would have to co-exist with a compact community in a healthy and safe environment would be cast in great doubt; that they believe that a cap of no larger than 1500 units must be set; that current stream buffers written in Section 9 should be retained; that for developments of this size, the only acceptable option for wastewater is tertiary treatment to "re-use" level; that "low impact development" strategies to slow down and contain water at the source using integrated systems should be required; that an environmental impact study should be required and must be conducted with appropriate peer review; that high-density developments should not deplete the groundwater resources of the surrounding community; and that they strongly urge the requirement of a minimum of 30% permanently protected open space and contributions to a mitigation fund.

Sally Erickson, 115 Blue Heron Farm Road, Pittsboro, NC, stated that she was speaking about Section 15 (waiver) of the current subdivision ordinance; that the waiver section does not require Planning Board review; that a potential developer could wait until it is before the Board of Commissioners; that the developer needs to influence only three people to get provisions set aside; that it puts tremendous power in the hands of three people to decide what is reasonable and what is not; that no input is required; that the waiver does not require procedure or time frame; that there could be no warning for citizens and rules could be excused by three people; that it says the public should not be a part of the process; and that the democracy with checks and balances does not exist in Chatham County.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated she wanted to speak about protecting the Jordan Lake watershed. She stated that the buffers must be preserved and regenerated; that planting of trees and shrubs should be of native species; that Section 9.2 should be amended to state that only native species be used; that an environmental impact study be conducted and reviewed by a county-chosen consultant; that all impacts (direct, cumulative, indirect) should be considered; that without an independent peer review, the requirement is useless; that area inventories in sensitive areas should be given priority; that to "the extent practicable" should be replaced with specifics; that the importance of watershed protection is of utmost importance; that run-off is currently affecting the safety of water; and that the maximum cap of 2,500 homes should be reduced to 1,500 homes.

Mitch Barron, 31 Hillsboro Street, Pittsboro, NC, stated that he represents Newland Communities; that he wanted to thank all citizens and citizens groups in the County for their work on this ordinance draft; that it is of critical importance to establish rules and citizens have an impact on its development; that the Compact Communities Ordinance is one of the most restrictive he has seen; that he assures everyone that his company will comply fully with the adopted ordinance; that the development will bring many benefits to the County; and that he urges the passage of the proposed Compact Communities Ordinance.

Ray Greenlaw, 2 Jordan Drive, Pittsboro, NC, stated that the Planning Board has labored thoughtfully and intensely to produce a credible draft ordinance for comment during the public hearing; that, however, the restrictive mandates imposed by the Board of Commissioners have seriously inhibited the Planning Board's endeavor; that Section 6.1, Location, delineates a particular area that remarkably coincides with most of the tracts now held firmly in the grasp of the Newland Group; that he asks why other large, undeveloped tracts located on Chatham's major arterial corridors, given equal opportunity to compete for development of compact communities in accordance with provisions of an adopted, generalized Chatham County ordinance; that in Section 6.2, Maximum Size, the Board of Commissioners has established a limit of 2,500 dwelling units which apparently relate directly to the specified location; that it should be the topography of the delineated site that ultimately determines the overall design, density, and number of dwelling units and/or commercial structures that can be effectively accommodated on that site; that review of entire Section 6, Location and Size, reveals none of the provisions included in earlier drafts which would require separation distances between compact

communities; that he asks are these “super dense” developments to be conjoined along Chatham’s major arterial corridors; that Section 7.1, Water Provision, should have “Each—and the State of the North Carolina” added; that Section 7.2 the title should be changed to read, “Wastewater Management System”; that treatment is only one of several components of such a system; that regarding the final paragraph of this section, the State of North Carolina lacks adequate staff to enforce compliance with relevant State regulations for public wastewater management systems, let alone those operated by private entities; that when a compact community is built out, responsibility for such a system would pass to its property owners association; that he wants to know how its membership would assure operation of that system in compliance with those regulations; that regarding the subsection captioned, “Financial Guarantees”, this statement apparently refers to the provisions of Section 3B, Adequate Security of Chatham County’s Subdivision Regulations that set forth a rather complex decision process; that this process would seem to be much more straightforward and manageable if it mirrored the provisions set forth in Section 8.5, Posting of Financial Guarantee, for stormwater controls; that the statement set forth in Section 15, Waiver, really “takes the rag off’n the bush”; that obviously concocted by the County’s “legal eagles”, it opens a hole big enough for anybody to drive a maximum size semi through; that the way he reads it, this statement would allow action by the Board of Commissioners to abrogate each and every provision of this ordinance; that it has come to his attention that the draft of this ordinance is considered “experimental” by Chatham County’s decision makers; that considering its statute, he urges the Board of Commissioners to direct the County Planning Board to develop a protocol for its evaluation of the elements of this ordinance, as they are used in the processing of the initial application for a compact community; and that the results of this evaluation will provide a practical basis for development of the new Compact Communities Ordinance that would be applicable County-wide.

Lee Sullivan, 255 Lois Lane, Pittsboro, NC, stated that this ordinance has been a long time in coming; that the Newland Communities representative has addressed many of the citizens’ concerns; that he lives adjoining the proposed Briar Chapel development and fears the way it is zoned now versus a development under the Compact Communities Ordinance; that there will be growth regardless of what is done; that Fearington was the first compact community; and that Galloway Ridge is widely supported.

Bruce Miles, 1850 Otis Johnson Road, Pittsboro, NC, stated that he represents the Chatham Homebuilders Association; that they have been interested observers of the Compact Communities Ordinance process; that they ask that the process be brought to a fair and speedy conclusion; and that all sides have had an opportunity to state their views.

Bruce Raymond, 127 Persimmon Hill, Pittsboro, NC, stated that he is a small business owner in Chatham with deep family roots; and that he generally likes the work that has been done. He asked what independent authoritative counsel was sought to arrive at the 2,500 maximum number of units and stated that the waiver would allow developers to have automatic waivers of requirements.

John Graybeal, 3396 Alston Chapel Road, Pittsboro, NC, stated that he had eight points to make: 1) The waiver provision should not be retained because there are no valid reasons to retain it and in addition it would create unnecessary problems; 2) The original reason given for the waiver was that “similar language had helped to withstand a constitutional attack on a California Affordable Housing Ordinance”; 3) There is a critical difference between the situation here and the situation in the California case; 4) The California case also makes it clear that no developer would have an argument even if the existing zoning and subdivision ordinances were no longer available; 5) The Compact Communities Ordinance under discussion will provide huge economic benefits to landowners and developers of a compact community; 6) No developer would suffer harm thus no lawsuits; 7) That David Owens of the Institute of Government agreed that the waiver provision “is not necessary for legal

defensibility of the ordinance"; 8) Not only is the waiver provision unnecessary, it is also undesirable because it creates the potential for unnecessary litigation.

Kevin Williams, 1972 Jay Shambley Road, Pittsboro, NC, stated that his family has been in Chatham for years; that he loves the County; that there are some wonderful people trying to do some wonderful things in the County; and that they have all the facts and the data straight. He asked the Board to vote from their hearts, vote from the facts, and vote for the people

Greg Carter, 1712 Andrews Store Road, Pittsboro, NC, stated that he has serious concerns about the size of the compact communities; that traffic is a concern; that the size is too big; that the treated wastewater is a hazard to the environment; that 1,500 may still be too large, but that it is more acceptable; that with all of the uncertainties that the biggest part of the Compact Communities Ordinance is the peer review process and needs to be strengthened; that a groundwater monitoring provision needs to be included; and that 20' is an insulting buffer for spray and needs to be increased.

Martin A. Spritzer, 595E Fearington Post, Pittsboro, NC, representing the Chatham County Appearance Commission made the following recommendations:

- 1) Request that Section 12.4 be amended to add the following sentence:

In accordance with the Chatham County Design Guidelines mentioned above, the developer shall submit its application including a detailed master landscaping plan for review by the Appearance Commission so that body may make recommendations to the Planning Board as is customarily done in the case of all commercial conditional use applications.

- 2) Request that the following two provisions be added to the Attachment entitled Compact Community Design Guidelines per its format:

STRONGLY ENCOURAGE that any commercial component near a four-lane highway be oriented on a primary road that serves as an entrance to the development from the four-lane highway as opposed to running solely along the existing highway. (This will soften or avoid any strip-mall appearance.)

STRONGLY ENCOURAGE that larger establishments allowed on the periphery in proximity to a four-lane principal or minor arterial incorporate various sizes ranging from 10,000 to 45,000 square feet with one exception: one establishment not exceeding 55,000 square feet. (This would discourage the appearance of mega-stores, but still permit the larger stores envisaged in Section 12.1 of the ordinance.

Liz Cullington, Rocky Hills Road, Pittsboro, NC, stated that she supported all the speakers; that there is no minimum on the number of acres; no percentage limits on commercial versus residential; that the recreation section includes the allowed use of open active recreation that is not defined; that the County should be the primary contact for peer review; that the developer should provide transportation infrastructure; and that the developer should be required to pay for schools.

Sally Kost, 1101 New Hope Church Road, Apex, NC, stated that she is very proud to be a resident of Chatham County; that she has never seen any group as passionate about their community; that she supports a strong Compact Communities Ordinance that limits the size and eliminates the waiver clause.

Charles Johnson, 1430 Sandy Branch Church Road, Bear Creek, NC, stated that he was probably one of the few natives of Chatham County; that he was before the Board to comfort, congratulate, and console them; that the Board's decisions are never easy; that he wants to move out of the never-ending circle surrounding the commission and the courthouse; that he wants to move in an optimistic direction; that he wants to overcome the fear of voting "yes"; that that would be "yes" for the Compact Communities Ordinance; that a positive vote will clear the Board's conscience, relieve their hearts, and satisfy their instincts; that opportunities are available now; and that he wants to move forward.

Patrick Barnes, 274 McCoy Road, Apex, NC, stated that he was president of Chatham County United Chamber of Commerce; that they support the Compact Communities Ordinance in full; that it has strong implications for lives in Chatham; that it hits the number one water source; that he is forced to live with Jordan Lake and protect it; that residential construction affects Jordan Lake; that he attended the meeting between Cary and Chatham; that Cary has no regard for Chatham County; and that one of the Town Council members stated that if Chatham plans poorly, then Cary feels obligated to do something about it.

Nancy Brown, 106 Persimmon Hill, Pittsboro, NC, stated that when she looked at her plat information she came across pictures of a building site taken in the early nineties; that it was one house on two acres near a creek; that now the creek does not exist; that if the Compact Communities Ordinance is approved as written, the place she lives will have spray fields on three sides and a cesspool on the other side; that she is upset at the way the Compact Communities Ordinance has been changed; that she asks that they vote no as written and start over; that the waiver can influence other ordinances; that the waiver does not need to be there to be legal; that the size is also an issue; that the test area should not be 2,500 units; that she has doubts about things being added back in; that compact communities should be for the community's good, not for the good of individual developers; and that the Board of Commissioners needs to investigate developers as they come in.

Ms. Brown stated that she will make copies of her pictures and submit them for public record.

Lynn Ferguson, 23 Benchmark, Pittsboro, NC, asked why the Land Use Plan is ignored. She stated that the Board of Commissioners should review the plan; that it addresses many issues regarding pollution, water, density, and rural character; and that growth can be a good thing at a slow pace. She asked that the Board of Commissioners represent citizens and not developers.

Allen Baddour, 157 West Street, Pittsboro, NC, stated that he is a Recreation Advisory Board member and a LUPIC member; that LUPIC decided that 1,500 was the appropriate size for development; that the waiver provision is inappropriate and there are other outlets for variance; that the ordinance should not apply to a particular parcel; that a smaller size would allow for an adequate assessment of the feasibility of the ordinance; that the Board of Commissioners should ask why every provision is in there; that the affordable housing area off-site be within a high school district; and that there is an impact on all County services.

Mary Bastin, 22 Benchmark, Pittsboro, NC, stated that many people have spent numerous hours because they love Chatham County; that the Compact Communities Ordinance should move on; that there should not be any hang-ups; that she asked that the Board of Commissioners review the concerns that have been heard tonight; and that everything requested has been reasonable.

John Gray, 123 Club Creek Ext., Chapel Hill, NC, thanked the Board of Commissioners for their patience and wisdom. He stated that the Compact Communities Ordinance has stirred thought and emotion; that he feels like he can rely on the Board of Commissioners to take into account comments

from the public; that he supports the Compact Communities Ordinance; and that it is the right step forward.

ADJOURNMENT

Commissioner Morgan 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, and the meeting was adjourned at 10:07 PM.

Thomas J. Emerson, Chairman

ATTEST:

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