

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 17, 2012

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina, 6:00 PM on January 17, 2012.

Present: Brian Bock, Chairman; Walter Petty, Vice Chair; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer, Sandra B. Sublett, Clerk to the Board; and Lindsay Ray, Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Bock welcomed those in attendance, and called the meeting to order at 6:03 PM.

AGENDA AND CONSENT AGENDA

Chairman Bock asked that Item #2, Appointments to the Board of Equalization and Review, be removed from the Consent Agenda and considered at a later date.

Commissioner Cross asked that Item #8, a request to approve a resolution for a Conditional Use Permit by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use permit for bed and breakfast inns as defined in Section 10.13, also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.) on Parcel #5802, on 7.925 acres, located off Pea Ridge Road, Cape Fear Township, be removed from the Consent Agenda and placed on the Regular Agenda for discussion and clarification.

Commissioner Petty moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda with the noted requests as follows:

APPROVAL OF AGENDA and CONSENT AGENDA

1. **Minutes:** Approval of Board Minutes for the Regular Session held January 3, 2012

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

2. ~~**Appointments to the Board of Equalization and Review:** Vote on the appointment of Colin Coxall by Commissioner Bock and the re-appointment of Leonard Kriesman as an alternate by the full Board~~

This item was removed from the Consent Agenda to be considered at a later date.

3. **Subdivision Preliminary Plat Approval of “Briar Chapel – Phase 6 South:** Vote on a request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of “Briar Chapel – Phase 6

South” consisting of 134 lots on 51.25 acres, off Andrews Store Road, SR #1528, Baldwin Township

As per the Planning Department and Planning Board recommendation (by unanimous vote), the road names Wildwind Drive, Treywood Lane, Sage Brush Road, Pebble Throw Lane, Copper Lantern Drive, and Heatherwood Drive were approved and the subdivision preliminary plat of “Briar Chapel – Phase 6 South” was approved as submitted.

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

4. **Subdivision Preliminary Plat Approval of “Briar Chapel Parkway and Boulder Point Drive Extensions”:** Vote on a request by Bill Mumford, Assistant Vice President on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of “Briar Chapel Parkway and Boulder Point Drive Extensions”, off Andrews Store Road, SR #1528, Baldwin Township

As per the Planning Department and Planning Board recommendation (by unanimous vote), preliminary plat approval of “Briar Chapel Parkway and Boulder Point Drive Extensions” were granted as submitted.

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

5. **Conditional Use Rezoning Request Off Moncure School Road:** Vote on a request to adopt an ordinance amending the zoning ordinance by Cindy Perry, Attorney, on behalf of Jeffrey House dba Jordan Dam RV Park, for a conditional use rezoning on 1.435 acres from R-1 Residential to Conditional Use B-1 Business, Parcel #88475, located at off Moncure School Road, Haw River Township, to add to the existing campground property for an expansion

As per the Planning Department and Planning Board recommendation (by unanimous vote), the objectives of the Land Conservation and Development Plan have been met and will continue to be met with the additional land therefore approval of the request was granted as submitted and **An Ordinance Amending the Zoning Ordinance of Chatham County** was adopted, attached hereto and by reference made a part hereof.

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

6. **Revision to Existing Conditional Use Permit:** Vote on a request to approve a resolution amending a Conditional Use Permit by Cindy Perry, Attorney, on behalf of Jeffrey House dba Jordan Dam RV Park, for a revision to the existing conditional use permit on Parcel #11257, located at 284 Moncure School Road, Haw River Township, to an expansion to the existing campground area

As per the Planning Staff and Planning Board (by unanimous vote 11-0), the request was approved and **Resolution #2012-02 Approving a Revision to a Conditional Use Permit Request by Jeffrey House dba Jordan Dam RV Park**, attached hereto and by reference made a part hereof, was adopted.

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

7. **Conditional Use Rezoning Request:** Vote on a request to adopt an ordinance amending the zoning ordinance by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use rezoning on 7.925 acres from R-1 Residential to Conditional Use Regional Business (CU-RB), Parcel #5802, located off Pea Ridge Road, Cape Fear Township

As per the Planning Staff and Planning Board recommendation (by unanimous vote 11-0), the rezoning request was approved as submitted and **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof, was adopted.

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

8. ~~**Conditional Use Permit Request:** Vote on a request to approve a resolution for a Conditional Use Permit by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use permit for bed and breakfast inns as defined in Section 10.13, also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.) on Parcel #5802, on 7.925 acres, located off Pea Ridge Road, Cape Fear Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

9. **Watershed Protection Ordinance Public Hearing:** Vote on setting a public hearing for Watershed Protection Ordinance Revisions on February 20, 2012 at 6:00 PM in the Agricultural Building Auditorium

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

10. **Single Family Rehab Grant:** Vote on Single Family Rehab Grant Application

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

11. **Naming of Private Road:** Vote on request from citizens for the naming of a private road - Dylan Scott Drive

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Robert Gerber, 200 Stage Trail Chapel, Chapel Hill, NC, presented the following resolution in support of charter schools in Chatham County:

**Resolution
Proclaiming Support for Charter Schools in Chatham County**

WHEREAS, public charter schools provide educational options for all students regardless of their parents' income; and

WHEREAS, Chatham County's two existing public charter schools have provided Chatham children excellent educational results; and

WHEREAS, all Chatham public schools benefit from competition created by treating parents and students as citizens that have choices rather than subjects that are assigned schools: and

WHEREAS, public charter schools receive no taxpayer funds for buildings, a savings to local taxpayers of at least \$1000 per student per year when compared to government run district public schools.

NOW, THEREFORE BE IT RESOLVED, that the Chatham County Board of Commissioners, hereby thanks the charter school board members, administrators, teachers, parents and students of Chatham Charter School and Woods Charter School and encourages other citizens to open new charter schools, so that more Chatham children can have quality education options.

FURTHERMORE, the Chatham Board of Commissioners informs the North Carolina Board of Education that Chatham County will welcome the approval of more quality charter schools in our growing county.

Mr. Gerber stated that there were some former Commissioners on boards of charter schools. There are two charter schools in Chatham County. Woods Charter School has been ranked as 192nd best public high school in the country, and has a long waiting list. There are other groups that are thinking of opening charter schools in Chatham County. He stated it would be nice if the Board of Commissioners would support this resolution stating they would welcome additional charter schools to the County as it saves the County a lot of money and it is getting a lot more for less.

Tom Glendinning, 160 Eddie Perry Road, Pittsboro, NC, thanked Mr. Gerber and the members of the charter school boards for their work. He stated that he was representing "School of Choice", a national initiative to offer alternatives to public education of which the charter schools are a fine example. He stated that we should be proud of the students in Chatham County as they perform well above-average. He stated that he hopes to hold video showings across the County. The first showing will be held on February 9th at Kiwanis Club, 7:30 PM of one of the three videos provided him by the "School of Choice" Association.

He thanked the Board of Commissioners for their work on this.

Randy Dye, 173 Old Farm Road, Pittsboro, NC, stated that Governor Perdue's attempt to buy votes by paying exorbitant unemployment benefits for two years has now led to a default on payments to the federal government. He asked about the consequences for North Carolina stating that the federal government has imposed a penalty on businesses to pay for her fiscal incompetence. He presented some facts concerning our state's unemployment debt as follows:

Facts Concerning North Carolina's Unemployment Debt

- Since the onset of the Great Recession, North Carolina's Unemployment Insurance (UI) administrators have vastly outspent revenues and generated a debt of \$2.6 billion with the federal government-the third-highest in the nation, on a per-capita basis.
- The state's debt continues to grow at an annual rate of \$178 million and generated its first interest charge of \$78 million in September, 2011.
- After three years of delinquency, the state faces a 0.3 percent punitive tax imposed by the federal government on N.C. wage income, starting in January 2012. That tax will step up in additional 0.3 percent increments every year until repayments begin.
- The state's UI benefit generosity exceeds that of all four neighboring states and also, on average, the after-tax remuneration of a minimum-wage job reaction to our state's default on January 11, 2011
- Since 2007, the average length of UI payments has increased by 25 percent. And since initiation of the UI scheme in 1935, the maximum period of eligibility has grown by 519 percent and has almost reached two years.
- North Carolina's UI tax burden as a percentage of income is roughly equal to Tennessee's, but both surpass that of South Carolina, Georgia, and Virginia, by 48 percent or more.
- The United States Department of Labor estimates that 8.9 percent of North Carolina's UI payments are in error, which equates to \$125 million annually.
- The federal government's full funding of Extended Benefits, through to 99 weeks and at an annual cost of \$424 million in North Carolina, runs out on March 6, 2012.

- Cutting state-funded weeks for UJ eligibility from 26 to 20 would save between \$230 million and \$440 million annually and close the current shortfall immediately.
- A reduction in North Carolina's UJ benefits to match those of South Carolina would save an additional \$250 million combined with the federal tax penalty and fewer weeks of eligibility, it would pay off the state's UJ debt within six years.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that a few years ago he asked the Board of Commissioners where the Chatham/Wake County signs went in his area as they seemed to disappear. He stated that as Cary moved in, they could not distinguish where Chatham or Wake County was. He reported that there was now at least one sign indicating where Chatham County ends and Wake County begins. He thanked the Board of Commissioners for their input into this matter.

Commissioner Kost responded that the signs were up about a month after the lack of signs was pointed out.

COMMISSIONER PRIORITIES

Conditional Use Permit Request: Vote on a request to approve a resolution for a Conditional Use Permit by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use permit for bed and breakfast inns as defined in Section 10.13, also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.) on Parcel #5802, on 7.925 acres, located off Pea Ridge Road, Cape Fear Township

Commissioner Cross asked for clarification if this bed and breakfast would be a customer on the County waterline on Pea Ridge Road.

Commissioner Kost stated that the information that was provided to the Board said that the bed and breakfast will be on the County water but that the private residence would be on well water. She stated that she thought if there was County water, both facilities should be on County water. She asked why the private residents would be on well-water.

Martha Pearson, purchasing agent, stated that she originally thought when she read the request that it would all be on County water system. She stated that she has not had a chance to follow up with Ms. Kadwell on this matter.

Commissioner Cross asked if the residence had been built. Ms. Pearson stated that it had not. Commissioner Cross stated that he thought there was a County requirement that any new residents or businesses located on a County water line have to be a customer. Ms. Pearson stated that based on other things they had discussed, that should not be a problem.

Mr. Sullivan stated that the Public Works Director has been part of that conversation for several months. He stated that Mr. Hughes had reviewed that portion and he thought he was aware that there is a split with the business on the County water system, but the dwelling would not be. He stated that he thought they were planning to use well water for irrigation purposes.

Commissioner Cross stated that he felt it needed to be revisited.

Chairman Bock asked if it could be approved with the understanding that they will follow, and that there will be no exceptions, to the rules.

Commissioner Kost asked if it was determined that the dwelling is to be on well water, Staff would present the reasoning for it to the Board.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt **Resolution #2012-03 for a Conditional Use Permit by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use permit for bed and breakfast inns as defined in Section 10.13, also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.) on Parcel #5802, on 7.925 acres, located off Pea Ridge Road,**

Cape Fear Township, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARD PRIORITIES:

Revision to Existing Conditional Use Permit: Vote on a request by Markus Wilhelm dba Strata Solar, for a revision to an existing conditional use permit on Parcel #76255, located at 2835 Farrington Point Road, on approximately 14.15 acres, formerly the Sandhills Grading Company, to add an additional use for a public utility as a 1.1 MW solar farm

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

A quasi-judicial hearing was held November 21, 2011. Mr. John Morrison, COO, Strata Solar spoke on the request. No one else spoke.

The Planning Board reviewed the request at their regularly scheduled meeting on December 6, 2011. Their recommendations/comments can be seen in bold below. Tim Keim recused himself from participating on this request.

This property is formerly Carolina Utility and Grading, as well as Sandhills Grading, which was originally approved in December 1997. There were several revisions over the last ten (10) years, but the zoning classification has not changed. The uses currently approved for the site are contractor's storage yard, office and staging area for construction contractors including storage and service building and related facilities, selling of retail materials used by the applicant, and to include the rental of contractor equipment to the general public.

A conditional use permit revision must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The property is zoned Conditional Use Light Industrial. Under Section 10.13 Table of Permitted Uses with the Chatham County Zoning Ordinance, a public utility facility serving regional areas is a permitted use. Because the site is approved under conditional use, the use/s must be added through a revision to the existing permit. It is planning staff's opinion this finding may be made.

FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare. This project is projected to create approximately 15-20 full time positions during the construction of the project. The applicants will also seek opportunities to work with the local community college to help train students/workers in solar energy and help them get certifications.

There are currently no solar energy facilities of this size in Chatham County. This project will provide clean energy to approximately 120 homes in the county. It is planning staff opinion this finding may be made. **A Planning Board member inquired as to whether or not this facility would be regulated by the state. The applicant stated it would be.**

FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community. The addition of approximately 4,800 solar panels to the site is the only modification/additions being requested. The property is currently screened and fenced from view of the public roadway. The applicants have stated they will need to remove the driveway trees installed by the previous owner in order to prepare the sites for the panels. The Chatham County Appearance Commission (CCAC) reviewed the site plan at their meeting on December 14, 2011. The proposed additional landscaping being planned for the front area meets their approval. Due to topography, the entire site will not be shielded from view of the public roadway or all adjoining parcels. No other additions or corrections were recommended.

A Planning Board member had a concern regarding the “glare” from the panels. It was explained the panels would not have glare as they are designed to absorb light.

Other than construction traffic, there is not expected to be any increase in traffic than what currently exists. There will be no noise associated with the operation of the solar panels and there is no new additional lighting proposed with this request.

On preliminary review, the Chatham County Building Inspections Supervisor will require a compaction test on all the areas where beneficial fill has been placed where panels will be erected. This will be conditioned below.

There will be no chemicals or hazardous materials used during construction or operation of the site. The existing sign will be used; no additional signage is requested. No additional lighting will be added to the site. It is planning staff opinion this finding may be made.

FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan. The Land Conservation and Development Plan outline many objectives and goals for the county. Page 11 mentions several with one being to promote a diversified and sustainable business community. There has been a business on this property since 1997 and it has continued to operate in some capacity since. Page 12 includes ensuring commercial development pays for itself and encourages “green” industries to locate in the county in an interest to implement sustainable practices.

Page 26 of the Plan encourages the continuation of existing industrial and commercial areas. Major conditions and trends show the county’s economic well-being is tied to the larger regional economy and activity outside the county’s borders. This will be opportunity to gain sustainable energy from a county established business.

Page 36 of the Plan encourages the use of sustainable business enterprises. They include businesses which support the long term interests of a region through ventures which combine the resources of the community.

The watershed classification for this site is WSIV-PA within the Jordan Lake buffer rules. The applicant does not anticipate needing a land disturbing permit or an increase in the existing stormwater management area. The Environmental Quality Director stated the solar panels will not count towards impervious surface. This site is allowed up to 36% maximum impervious surface. It is not known at this time what the existing impervious surface is. A condition may be placed on this approval requiring an updated survey for impervious surface be supplied. It is planning staff opinion this finding may be made.

FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county’s plans, policies, and regulations. This project will not require any additional water usage, wastewater increases, or new access drives. The existing NCDOT commercial driveway permit is adequate and should any other permitting be required, the applicants will comply with those requests (i.e. erosion and sedimentation control, stormwater, compaction tests, etc). It is planning staff opinion this finding may be made and may be further supported with conditions listed below.

The Planning Board had no further discussion on this issue.

The Planning Staff and Planning Board (by a vote of 10-0-1) recommend approval of this request as submitted with the following conditions:

Site Specific Conditions

1. Before construction of the panels can take place on the property, a soils compaction test will be required, as directed by the Buildings Inspections Supervisor, and submitted to the building inspections and planning department offices. Upon approval from the building inspections supervisor, placement of the panels may begin.

2. The recommendations by the CCAC shall be followed. Any new plantings are required to be installed at the next optimal planting season following this approval. Landscaping and screening shall be maintained at all times.

Standard Site Conditions

3. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
4. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

Standard Administrative Conditions:

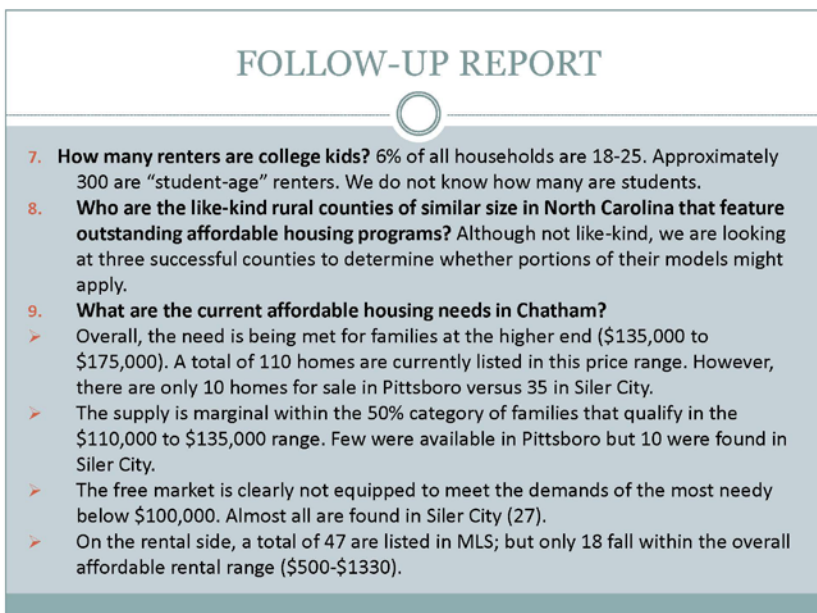
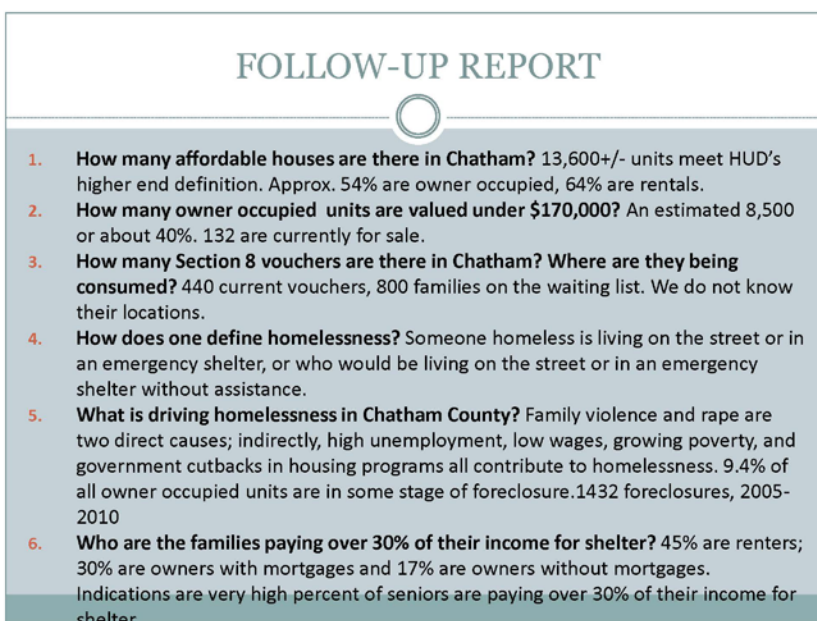
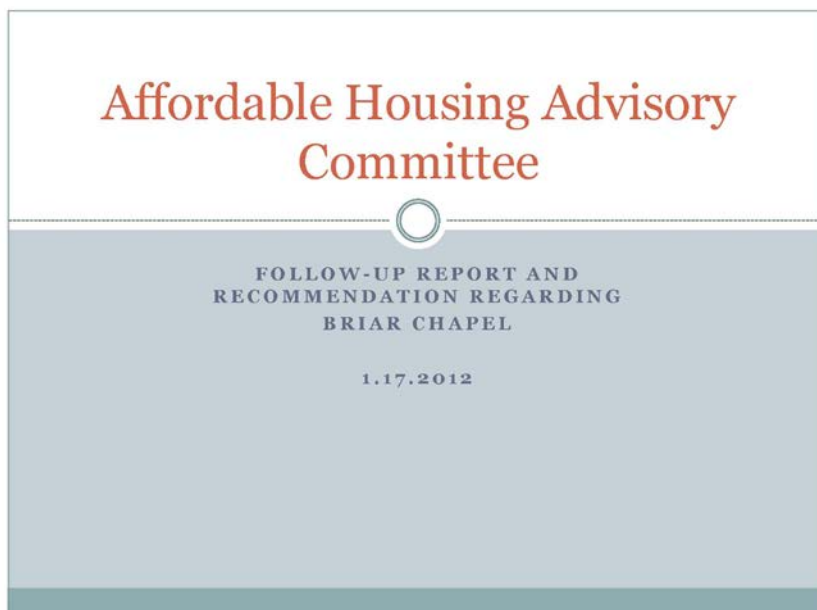
6. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.
7. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
8. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
9. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth here.

Commissioner Kost asked if it is graded, would it be seeded and what would be permanent under the panels. Mr. Sullivan stated grass and mulch.

Commissioner Petty moved, seconded by Commissioner Cross, to adopt **Resolution #2012-04 Approving a Revision to a Conditional Use Permit Request by Markus Wilhelm dba Strata Solar**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Affordable Housing Presentation: Receive recommendation for affordable housing lots in Briar Chapel from Affordable Housing Committee

Bill Leroy, Affordable Housing Committee Chairman, gave a follow-up report answering questions raised by Commissioners from a prior meeting, made a recommendation surrounding the County's future involvement in Briar Chapel, and presented a PowerPoint as follows:



BACKGROUND

- **2005:** The County approved the Compact Community Ordinance
 - Newland Communities Inc, received approval for 2380 lots
 - Newland agreed to set-aside 60 affordable lots and payment in lieu for 60
 1. 60 lots in Briar Chapel targeting 60-80% AMI affordable households
 2. \$1.1 million payment in lieu, targeting middle and lower income households
- 2006- Mar.2011:** Newland platted 433 lots; 178 homes were completed.
- 2007-2011:** Newland paid County in lieu about \$300,000.
 1. County distributed an estimated \$ 280,000 to Chatham Habitat
 2. County released 3 lots to EmPOWERment (one affordable house built; unsold)
- June 2011:** County released RFP to build-out two lots. Staff recommended Community Home Trust to the AHAC, contingent on additional funding.
- Mid Dec., 2011,** Commissioners requested recommendation from the AHAC. Best way to proceed in Briar Chapel?
- Jan. 2012:** Current status of Briar Chapel Affordable Lots
 1. County retains control of 57, EmPOWERment controls 3 lots
 2. Eighteen lots have been platted and ready for building, one has an affordable home on it
 3. The remaining 41 affordable lots are slated for future phases

BRIAR CHAPEL®
 by
 Newland communities

Lot Number /
 Street Name Map

- =affordable housing lot
- = 10 lots recommended for replating elsewhere
- = EmPOWERment home
- = 2 lots listed in RFP



QUESTIONS

Why should we have affordable housing in Briar Chapel? What are the pros and cons of having such a program?

PROS

1. Social benefits of mixing income levels
2. Establishes a precedent for creating affordable housing

CONS

1. Current model has stalled
2. Delayed program has left empty lots next to completed homes

Other considerations:

- Housing market conditions over the past 6 year do not reflect the County's norm (2006 - 2011)
- Need for further study, ie. cost/benefit of alternate housing programs outside of Briar Chapel

QUESTIONS

Should the McNeill Burbank/Community Home Trust Proposal be accepted?

PROS

1. Applicants have an excellent track record.
2. Opportunity to evaluate and learn what works.
3. Possible source of funding identified.

CONS

1. Additional subsidies required. Source of required additional funding not yet solidified.
2. Unknown future fees.
3. No other qualified builder(s) applied.

BRIAR CHAPEL RECOMMENDATION

Maintain the affordable housing program in Briar Chapel, but adopt a short-term lot release and replacement strategy.

1. Release 10 of the 18 lots already identified and platted as affordable
2. Replace the 10 affordable lots elsewhere in future phases
3. Release the remaining 8 lots individually if
 - The lot(s) around them are being built-out
 - Assuming no immediate affordable housing project has been presented
4. Accept the McNeill Burbank/Community Home Trust RFP as a pilot
 - Grant from a private foundation identified; determination of funding, one month.

PROVISIONS TO BE INCORPORATED IN RECOMMENDATION

1. The 60 lot total to remain affordable
2. Regarding the McNeil Burbank recommendation:
 - Project to be viewed as a pilot study- How best to implement Compact Community Ordinance?
 - Recommendation to withdraw McNeil Burbank recommendation, if in 1 month no funding
3. Commissioners to provide staff + AHAC time for future study to identify:
 - Alternative worthy projects outside of Briar Chapel, (prioritized)
 - Number of additional lots (if any) to be released back
 - Fair market price to the County for the lot's released
 - Number of lots to convert from ownership to affordable rentals

Chairman Bock thanked Mr. Leroy for his comments stating that when he was asked to give the first report, there were a lot of statistics involved, particularly homelessness and homeless children in the County. He stated that he started thinking about what they were trying to do in Briar Chapel with the current model. As they started talking about these statistics with homelessness, it occurred to him that they are talking about them separately. He stated that he had some strong thoughts as to whether the County needs to be involved in affordable housing; however, he feels that there is an opportunity to address a real issue. There is an opportunity based on the work that was done several years ago when the plan was set in place. Conditions have changed and it may be the time to address root causes. He stated that he looks at what they are doing in Briar Chapel, then returns to the report, where the homelessness is, where the affordable housing problems are, where the free market is taking care of the situation and where it is not, plus the discussions he heard during the meeting where everything cannot be included in the report. He asked if they want to continue to subsidize home ownership; do they want to make sure everyone has a home, and if so, is it the Commissioners' role to make sure that happens. He asked what is causing homelessness; what is causing people not to be able to afford a home or rent; so he returns to the report which confirms high family violence and rape, high unemployment, low wages, growing poverty, government cutbacks in housing programs, (Section 8) and it does not address a single issue that they have. He asked if they could think in terms of not separating the Briar Chapel affordable housing from the Affordable Housing Committee, address the problem, and reduce the need for affordable housing over time rather than just building more affordable housing to subsidize.

Commissioner Petty asked how long the house in Briar Chapel had been on the market. Mr. Leroy responded approximately one year.

Commissioner Petty asked about the price range. Mr. Leroy stated that the price of the house is \$135,000; however, because of the rules that are set by the Board of Realtors, the house has to be presented at \$185,000 with the idea that \$50,000 is actually subsidized but has to be shown on the MLS as \$185,000 where it is really \$135,000 to the buyer. What has caused this, the problem has not been worked out. They think that it is now being worked out now.

Commissioner Petty asked what type of additional fees can an owner expect to incur when moving into a community like Briar Chapel and is it taken into consideration of their financial ability to pay back the debt and incur the additional homeowners' fees, etc.

Mr. Leroy stated that one of the things that make the community housing trust proposal unique is that they are asking for the additional money which they are talking about needing for this program to address this problem in order to be able to have a cushion at approximately \$250.00 per month in fees when everything is added together including the homeowners and management trust fees.

Delores Bailey, EmPOWERment Executive Director, stated that they had built the one home located in Briar Chapel. There is a maintenance fee with the Community Trust Model which will be used if the roof, air conditioning system, etc. need to be replaced. This is paid in addition to the homeowners dues. Both organizations figure in the homeowners dues with regard to affordable housing. At this point, they are \$95.00 per month and will include the principle and interest, taxes, and the HOA dues. The difference will be the maintenance and management fees.

Commissioner Petty asked if the same home was valued at \$135,000 was located in another area, would it have been sold by this time. Ms. Bailey stated that she felt the problem was the marketing along with consumer confidence.

Commissioner Kost asked why we were unable to market it like that. Ms. Bailey stated that the MLS will not allow you to market it without the subsidies in it stating that she could not market it at \$135,000 because subsidies will be added to bring it down from the \$185,000.00 to \$135,000.00.

Commissioner Kost asked if Ms. Bailey felt that this was the reason this particular house had not sold. Ms. Bailey replied yes with regard to putting it on the MLS and consumer confidence.

Commissioner Kost asked about listing it with another realty company. Ms. Bailey stated that it could not be listed. She stated that they had a lot of response to an open house on Saturday. She also stated that they had shared with other realtors how it works and feels that has made a difference.

Chairman Bock stated that the Board was not going to make a firm decision on this matter tonight adding that anything that had been discussed had not been directed toward EmPOWERment. He asked if there was a way to get cash in lieu of building the houses and that they money could then be used to address a real issue of homelessness and affordable housing rather than building houses for people in Briar Chapel in subsidized home ownership. He stated that he understands the desire for home ownership, but he also understands that if you can't afford a home in an area, maybe someone shouldn't buy a home there yet and build up to the house they want. He stated that he feels that part of the problem is with people buying houses that they cannot afford. He stated that he knew a lot of work went into the plan and there wouldn't be the opportunity if not for all the work that went into it; however, he probably would not have supported the idea initially, as someone else did. And they now have a good amount of money to address root causes of a problem.

Commissioner Kost stated that originally when Briar Chapel was presented to the Board of Commissioners; it had double the number of affordable housing. Half of the houses were then decided to be used as Habitat houses. This was a compromise and a blend. She stated that she was not comfortable at this point saying that it didn't work and take the money in lieu of and try something else. She stated that she feels this needs to be made to work and that it is not insurmountable. Having a community with many different price points, is an advantage especially to allow more diversity in the community which is an advantage. She stated that she was not happy about releasing the lots at this point, but understands where we are and will support it. She stated, however, that she did not support taking the money in lieu of and moving outside of Briar Chapel and going someplace else.

Chairman Bock referred to the actual report reading that "overall, the need is being met for families at the higher end" which is the houses they are talking about. The market took care of this for us which is what markets tend to do. There are always going to be some folks that are going to need their help. He stated that he thinks this is the way to get help to those people without subsidizing a house in a community where the data clearly shows the houses are not needed. If we acknowledge that we are not addressing a problem, but we want to have different price points in a community and we are comfortable directing that, it is a different discussion. He asked if we are addressing actual affordable housing by keeping the houses in Briar Chapel.

Commissioner Cross stated that he had been involved with this since it started. He stated that the real purpose of the compact communities was to have "workforce affordable housing" in Briar Chapel that would be for income levels such as policemen, firemen, nurses, etc. who are probably not included in the rape and child abuse to any large extent anyway. In returning to why this house hasn't sold, when a family goes to a realtor and says that they would like to buy a house but can only afford \$130-140,000, and the realtor, without knowing that EmPOWERment cannot list it at the reduced price, is not going to find the house in the MLS listing. He will then tell the perspective buyers that they do not have anything available when in fact, there is. They started out at a prior meeting educating the realtors in our area of how this works and by showing them that they are looking in the wrong places for these houses. If they go to upper range and look for the EmPOWERment name, they will find the houses. They also are aware that they can now call EmPOWERment and ask about them. The land trust model is also a little different as the land does not transfer with the house which helps to keep it affordable. The land will remain the property of EmPOWERment or the County which is a huge deduction from what it would normally cost. He stated that approximately ten years went into the compact community planning and every elected board in the County approved it. He stated that he does not want to see it fold because this one house has not been sold this year. The economy has had a lot to do with it.

The understanding of how affordable housing sells has clearly been a big problem. They need more time to work this out and there are indications in the County that the economy is about to pick up.

Mr. Leroy stated that he agreed with Chairman Bock on his position stating that they need to make sure that they know what they are getting in terms of programs and how much they are going to cost and how long they will last. He stated that Newland Communities has been a model citizen. At the same time, they want to make certain that the Board of Commissioners is given the information that they need in order to say they can provide a program for the homeless for the next ten years and it is going to cost a certain amount a year.

Commissioner Petty stated that if that was addressed, there is still another issue. They still have the family violence and rape and unemployment issues that are going to continue to create a housing issue for others. Therefore, there is still another problem that has not been addressed.

Commissioner Stewart stated that she still refers back to "What are the current affordable housing needs in Chatham?" in that price range. She stated that she felt that they were almost over addressing that particular need where there is a deficiency in the other needs. She stated that the home has been on the market for approximately a year. She asked if the house had been listed prior to that time.

Ms. Bailey stated that in the past fifteen years that EmPOWERment had been providing affordable housing, they had not gone to the MLS. They do workshops throughout the County which brings people in. This is the first time they have used MLS for marketing the house.

Commissioner Stewart asked if they had been able to do workshops. Ms. Bailey stated not effectively because the money had run out and they had been using County money to hold the workshops.

Commissioner Stewart asked how they identified the ones that are in need of affordable housing in this particular category. Ms. Bailey stated that they target government employees, firemen, policemen, etc. They have also included the school system. When they first started building, she stated that they had teachers coming from all over waiting for the houses to be built. As the economy changed, the interest also changed. They are now working with local banks to make sure that they understand the entire affordable price.

Commissioner Stewart asked if the homeowner dues were paid by the homeowner. Ms. Bailey replied that they were.

Mr. Leroy stated that the private market is accommodating the 80% median household income. They have never looked at this in geographical terms. The majority of the supply is not necessarily in the area where the demand is. They are also talking about a crazy market. When they are trying to identify a ten-year curve on the Chatham County market, affordable houses will today be found because of the downturn in the market. Five years ago, 20% of the houses that were sold in Chatham County were in the \$200,000 range or less. Today that figure has more than doubled.

Ms. Bailey stated that the range is now 50-80% so they are overlapping with the needs.

Commissioner Kost asked if the decision facing the Board tonight is releasing the lots. Chairman Bock stated that decision was not being made tonight. He stated that he was interested in learning from the Commissioners if there is any interest in changing the way we are addressing this completely by taking a payment in lieu of to address the root problems or do we want to tweak the program.

Commissioner Petty stated that he felt the Board would need to get a feel for what it would look like if a payment was taken in lieu of.

PUBLIC HEARINGS

Legislative:

Rezoning Request on Vickers Road: Public hearing to receive public comments on a request by Warren Mitchell dba Iron Clad Storage to rezone Parcel #71691, consisting of approximately 5.41 acres, located at 102 Vickers Road, and approximately five (5) acres from Parcel #18872, from Conditional Use Light Industrial (CU-Ind-L) and Residential 1 (R1) to Conditional Use Regional Business (CU-RB), Williams Township

Jason Sullivan, Planning Director explained the specifics of the request.

The Chairman opened the floor for public comments.

Michael Shulman, 398 McGregor Woods Road, Apex, NC, asked which part is residential, how much of the land they own, and why are they taking residential land and changing it to commercial zoning. He asked what the plan was to buffer Vickers Road.

Patrick Bradshaw, 128 Hillsboro Street, Pittsboro, NC, attorney representing the applicants who operate Iron Clad Storage already located at the area being discussed, stated that the request is to change the zoning on the existing 5.41 acres is currently occupied by the self-storage facility. He stated that the portion of the 30 acre tract adjoining it, that they already own, is being requested to be added to the business zoned area. The portion that will be added is a five-acre portion that will be surrounded on three sides by property that the Mitchells own. Their reason for requesting the rezoning is so that they can add additional uses and services to their existing business. He stated that it is an appropriate property for business use. The Mitchells have had a conditional use permit on 5+ acres of their property since 2003 and have been operating their self-storage business there since 2004. The properties adjoined on the south by a mobile home park. Across Highway 15-501 to the west is a bathroom design shop and an antique store. To the northwest across 15-501 is a portion of the Briar Chapel Compact Communities that is planned for future commercial use, and the Dogwood Veterinary Clinic is located to the north across Vickers Road. There are several business uses nearby and adjoining the property. The new five acres to be added to the business area surrounded on three sides by property that is owned by the Mitchells who have never had any complaints during the entire time they have operated the business based on noise, traffic, lights, etc. The application is consistent with the Land Conservation and Development Plan because it is located at an existing commercial crossroads on a major transportation corridor, designed appropriately for its setting, and enhances the diversity of activity and commercial offerings in the neighborhood. Designating the zoning district for conditional use also provides protection for the County and other property owners in the area because it means that the property can only be used pursuant to a conditional use permit which gives the County an ability to ensure that the use is compatible with surrounding uses.

Rhonda Robichaux, 217 Vickers Road, Chapel Hill, NC, stated that she lives across the road from where they are planning on putting the expansion. After having lived there ten years, she has noticed that in the last two years there is more trash on the roads and people are driving faster. She stated that she does not own the home, but works out of it as a therapist stating that it is nice to have peace and quiet. She stated that she talked to her landlord whom she hoped was going to be in attendance as her property value was going to go down. She stated that it was unfortunate that this progress is happening.

Veronica Lombardi, 150 W. Newman Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Veronica Lombardi and my husband and I live in the McGregor Woods subdivision which is located at the end of Vickers Road. There are 15 homes in this development as well as about 15 other residences along Vickers Road that will be impacted by this application. The only entrance and exit for these 30 homes is via Vickers Road.

My 2 concerns are as follows:

1. I found no mention of how many boats and RVs will be housed in this storage area and how many moving vans will be parked for rental. What is the number of each?
2. The application states various plants will be used for visual and impact screening. The tallest plant according to the application is 3' and minus the container, that's about 2 1/2' above ground. How will a 2 1/2' plant visually screen a 10' truck or an RV? With these proposed plants, the vehicles will be fully visible to Vickers Road. This could not only be unsightly, but possibly impact our property values. Also, I don't understand why it's necessary to plant along your own property line.

Thanks.”

The Chairman closed the public hearing.

Evidentiary - Quasi-Judicial:

Revision to Existing Conditional Use Permit: Public hearing to receive public comments on a request by Warren Mitchell dba Iron Clad Storage for a revision to the existing conditional use permit on Parcel #71691 to add the additional five (5) acres from Parcel #18872 to the permit for the uses of self-storage facility/mini warehouse storage facility with related retail and services (i.e. moving truck rental), recreational vehicle storage facility, and boat storage facility

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

Mr. Sullivan explained the specifics of the request.

Commissioner Kost asked how many square feet there were. Mr. Sullivan stated that he was unsure of the exact square footage.

The Chairman opened the floor for public comments.

Patrick Bradshaw, 128 Hillsboro Street, Pittsboro, NC, attorney for the applicants, asked that the written application that was submitted on December 16, 2011 be submitted as part of the record for this hearing. He stated that Mr. and Mrs. Mitchell have been operating their self-storage facility on the 5.14 acres near the front of the proposed project since 2004. They regularly receive requests from their existing customers for related retail services such as moving truck rental and for boat and RV storage. Since the Mitchells obtained their conditional use permit, the Zoning Ordinance has been amended to provide that self-storage use automatically includes retail and related services such as moving truck rental. They want to add those uses to their existing conditional use permit and to allow for boat and recreational vehicle storage. The reason they requested a change from the conditional use light industrial district to a conditional use regional business district is that the light industrial district does not allow boat and RV storage. Although there are similar businesses that the Mitchells propose in Chatham County, there are none in the immediate vicinity. The uses they seek to add are complimentary to their existing self-storage business. The Mitchell's business had made no demand on Chatham County Emergency Services since 2004. The surrounding roadways are more than adequate to handle the existing business and the additional services that are requested. US Highway 15-501 has both north and south-bound turn lanes at Vickers Road. A traffic light is expected to be installed at the intersection early this year. The existing facility generates between ten and fifteen customers visits per day and the increase generated by this request is expected to be minimal. The permit the Mitchells are requesting will have limited impact on any other property owners. They own most of the property that adjoins the acreage they propose to add to their existing business. They will comply with the County's buffering and screening requirements including along the boundaries of their own property, one which will be a zoning district will abut the other. One will be a business zone and the other will be a residentially zoned area which the County's ordinance requires buffering in that circumstance. Although the Mitchells own all of the property, it will still be buffered and will buffer on Vickers Road. The proposed driveway is further toward 15-501 than any of the existing residences on Vickers Road. The traffic will

not be passing those houses. In addition to being located at an existing commercial crossroads on a transportation corridor and maintaining a mix of activities and diversified commercial offerings, the Mitchell's proposed use of their property, especially adding board and RV storage, promotes the goals of the Land Use Plan to encourage tourism and improve accessibility to the County recreational features. He stated that none of the earlier mentioned trash could be attributed to this business in its current configuration or as it would be modified as it is a very attractive, quiet, and well-kept place. He stated that the evidence in the submitted application is sufficient to make the five findings required by the ordinance and request that it be done.

Mr. Bradshaw further stated that the sign that was proposed in the application complied with the requirements in the zoning ordinance. After talking with the Appearance Commission, Mr. Mitchell is currently thinking about revising the plan. Current details of the new sign will be brought forth at a later date, even though the proposed sign meets the requirements of the ordinance.

Warren Mitchell stated that he and his wife moved into the residential/office building and both run the facility. He stated that he has an intimate knowledge of the demands of the area. Their customers would like to store their boats and/or RV's close to where their other belongings are stored. He stated that the trash is a result of people who live further down the road. He stated that he is a good neighbor and runs a good business. He stated they needed a larger sign in order for people to see it in passing and be able to pull into the deceleration lane to turn into the facility.

Commissioner Kost asked about the size of the existing sign. Mr. Mitchell stated that it was 32 square feet.

Commissioner Stewart asked what is presently located on the thirty acres. Mr. Mitchell replied that it was timber and pine forest.

Commissioner Kost asked if there was a master plan for the remainder of the site. Mr. Mitchell replied that he did not know, but does own half of it with another gentleman, but there are no current plans for it.

Commissioner Stewart asked if he was expected to use the additional space for seasonal storage and if there were plans to expand in other types of storage. Mr. Mitchell explained that currently this is the area that is fenced in and will be used for boats and RV's. It will have a gravel driveway to access the spaces which will be mulch.

Mr. Bradshaw explained that it was a "Type A" screen which is the County's most dense screen. Reading from the guidelines, it states that this screen creates a visual barrier such that there are no direct views from the street or from adjacent properties to development at any time of year. This was reviewed by the Appearance Commission who found that the proposed plantings were fine stating that they complimented the plan for providing a variety of different types of plants. The design guidelines also include that the screen be grown in to provide the required level of screening within 24-36 months. The screen will comply with the ordinance.

Chairman Bock administered the oath to Rhonda Robichaux. Ms. Robichaux asked if the rental moving trucks would be coming up Vickers Road and going into the entrance across the street from her house. Mr. Mitchell replied that it would probably be using either driveway.

Mr. Bradshaw stated that the proposed driveway is west of the residents and Mr. Mitchell has offered to speak with the residents to show them how it will line up.

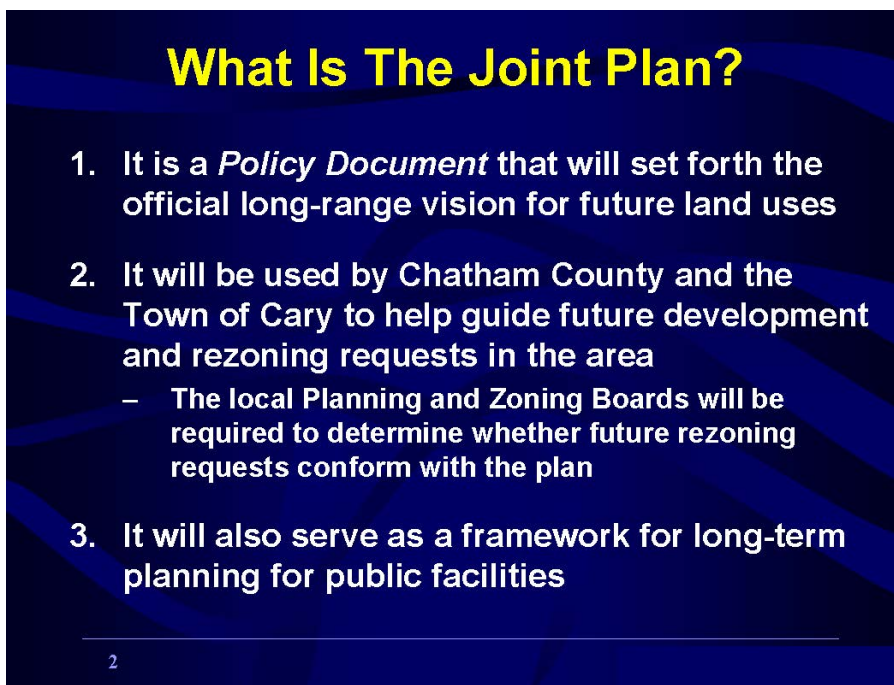
Chairman Bock closed the public hearing and referred it to the Planning Board on February 7, 2012.

Chatham-Cary Joint Land Use Plan Public Hearing:

Proposed Chatham-Cary Joint Land Use Plan: Public hearing to receive public comments on a request by the Chatham County Board of Commissioners for a public hearing on the proposed Chatham-Cary Joint Land Use Plan

Commissioner Kost asked how long each citizen would be allowed to speak stating that the Town of Cary was holding a public hearing and speakers would be allowed to speak for five minutes. Chairman Bock stated that each speaker would be allowed to speak for three minutes.

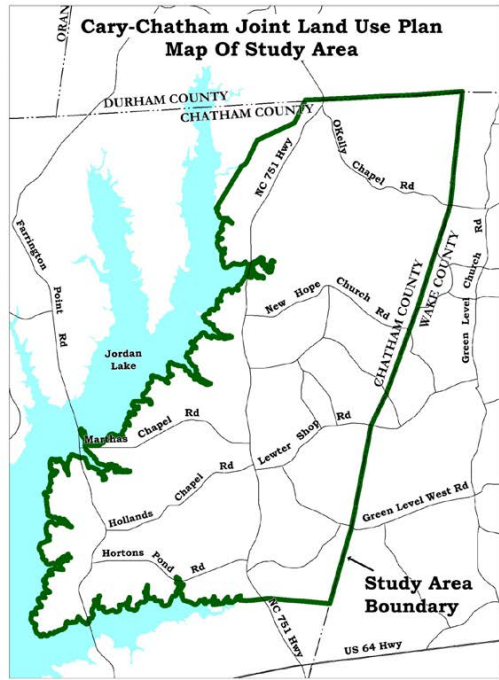
Ben Howell, Assistant Planner, explained the specifics of the request on the proposed Chatham-Cary Joint Land Use Plan with a PowerPoint as follows:



The Joint Plan Boundaries

Total of 18,137 ac.

3



Guiding Principles Include...

- Balance growth and development in this area.
- Focus the most intense land uses close to the eastern side of the plan area and maintain very low density uses westward towards Jordan Lake.
- Protect water quality of Jordan Lake Reservoir.
- Use the future availability of public utility services to guide and direct growth.
- Encourage limited economic development near major employment and population centers and transportation routes.

4

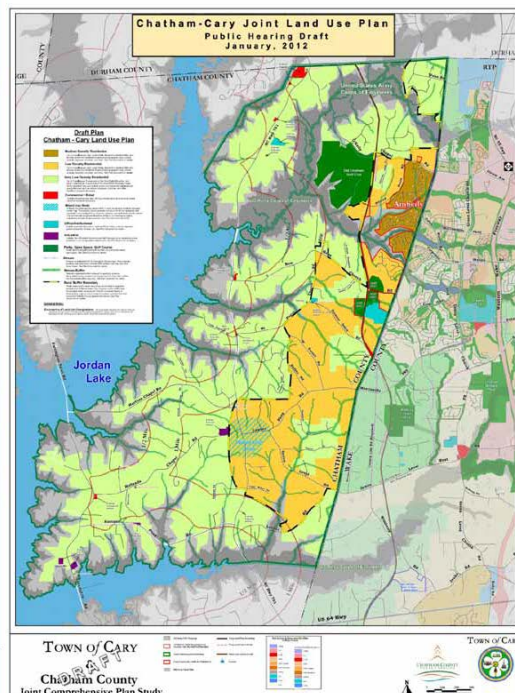
Proposed Joint Land Use Plan Map

• Approximately 7,600 Acres Designated Very Low Density – 1 DU/5 AC

• Approximately 2,900 Acres Designated Low Density – Up to 2 DU/AC

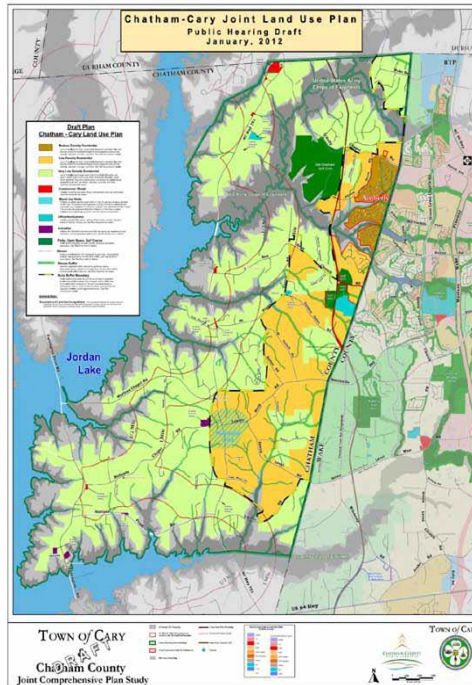

• Rest of Area Designated for Open Space/Parks, Commercial, Institutional, Industrial and Medium Density Residential – 4 DU/AC – Reflects Existing Approved Developments

5



Proposed Joint Land Use Plan Map

- Rural Buffer Boundary – No Public Utilities Proposed West of Boundary
- Mixed Use Node – Overlay Used to Designate General Location for Higher-Density Residential and Non-Residential Area



Other Plan Policy Recommendations

- 400 Foot Natural Buffer adjacent to USACE property south of Lewter Shop and Martha's Chapel Roads for future development served by public utilities
- Future development adjacent to American Tobacco Trail requesting public services from Cary provide natural buffer consistent with Cary Land Development Ordinance
- New development provides appropriate transitions between different land use categories and between development and roadways. Landscape buffers are preferred.
- Public Utilities should not be extended west of Rural Buffer Boundary unless requesting property has failing well/septic.
- New Development complies with watershed, buffer and stormwater rules of governing jurisdiction.

7

Plan Implementation Recommendations

1. Rezone area west of Rural Buffer
2. Discuss County Review of Citizen-Initiated Annexation Requests
3. Research & Discuss Cary ETJ in Chatham Co.
4. Notification of use of Federal Lands in Area
5. Study options for developing and implementing design guidelines
6. Joint transportation planning
7. School facilities planning
8. Joint parks & greenways planning

8

Chairman Bock explained that the ETJ Implementation Plan is to be discussed and researched. He stated that granting the authority to Cary is not part of this plan, and we could not imagine a situation where this Board would approve granting ETJ to the Town of Cary.

Commissioner Kost suggested that it be taken out. She stated that she understands what the Chairman is saying that it doesn't hurt to have the discussion; however, she doesn't think that there is anything that anyone could say that would convince her to vote to support ETJ for Cary. She stated that she hoped by the end of the public hearing the Board of Commissioners would vote to take it out and let Cary know up-front that Chatham is not willing to give them planning jurisdiction in Chatham County.

Chairman Bock concurred.

Robert Sears, 338 Lewter Shop Road, Apex, NC, stated that former Speaker Pelosi was attributed to making a statement regarding "Obama Care", "We won't really know what's in it until we pass it." He asked that the Board not do this stating that he was reading the draft and suggested that Paragraph 6.4 be removed. He stated that it was not feasible. ETJ is permit power and code enforcement and Cary loves "code stuff". He stated that with regard to the "Mixed Use Area", he and his family to not be included. He asked that the overlay be placed elsewhere. He stated that when Cary annexes property immediately adjacent to the town limits, which would be good if they follow it, and asked what happens with "satellite" annexation. He asked who would get to build the schools stating that it would be Chatham County. He stated that there had been much work done on this since 2005 but asked that Chatham not lose its sovereignty to govern Chatham County.

Tom Glendinning, 160 Eddie Perry Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"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 Board of Commissioners 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, 51315 Eastchurch, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"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."

Rita Spina, 12 Fearington Post, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“CCEC is in favor of and supportive of Land Use Planning and we have been in favor of the Joint Chatham Cary Land Use Planning process. We understand why this planning effort is needed and why it was initiated. The development pressure in the eastern portion of our County from Cary is all too obvious and the importance of Jordan Lake as a regional drinking water source is of particular concern to us all. We know that careful planning in this area is essential.

That is why we are disappointed in this draft plan and feel that it falls short of our expectations and fails to fully meet its own guiding principles.

You have encroached into the 1 mile line from Jordan Lake to allow higher densities. You have compromised rural character allowing higher density areas without sufficient transitions. You have failed to ensure that design standards will be developed by Chatham County to preserve and enhance Chatham’s rural character and unique sense of place. You have failed to truly involve the public in the development of this plan by your dismissals of citizen input, concerns and petitions.

We have been around long enough to have witnessed the messy business of land use planning in past county planning efforts. We are well aware of the difficulty of the task. We were dismayed and disappointed with your removal of Commissioner Kost from this committee at the beginning of 2011. She has extensive experience as a commissioner and planning board chair. She is a resident of and represents the constituents of the plan area. She had served on the committee since it had reconvened and had a historical perspective on the plan and plan area. It was unwise to remove her and the county would have been well served by her participation.

In general we are concerned that the draft plan serves the interests of Cary rather than the interests of Chatham County and we wonder if there are sufficient assurances that Chatham Citizens won’t be overly burdened by the Cary urban sprawl that we know will be inevitable.”

Judith Butt, 112 Stone Edge, Fearington Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“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.”

John Graybeal, 3396 Alston Chapel Road, Pittsboro, NC, stated that he was speaking as a member of the CCEC Board and on the topic of annexation and the devil behind the Chatham-Cary Joint Use Plan. From Chatham County’s perspective, the original objective of joint land use planning by Chatham County and Cary was to deal with adverse consequences anticipated from ongoing annexation by Cary. North Carolina State Law has been favorable to annexation by municipalities. Municipal expansion has been viewed as simple economic growth in the State since municipalities are strong centers of commerce of all kinds. Whatever may be said for such policy views in the Chatham-Cary context, they obviously collide with the strong desire of Chatham citizens to protect its rural character and way of life. Viewing Cary annexation of Chatham County property is both an actuality and a serious on-going threat. The previous Board of Commissioners believed that it made sense to develop a joint land use plan that would protect the values of Chatham Citizens against Cary encroachment. The objectives of such a plan would include protection of Jordan Lake and many other objections that will be mentioned. The problem today is much larger than it might have been because this Board of Commissioners’ majority did not take advantage of the leverage it had during the western Wake pipeline escapade to obtain limitations on Cary’s unlimited ability to engage in voluntary annexation. The Board of Commissioners merely obtained Cary’s agreement to help obtain a local bill barring involuntary annexation but the problem had always been voluntary, not involuntary, annexation...a fact the present Board of Commissioners majority had not been willing to acknowledge. The term voluntary annexation is misleading since it usually occurs because the large developer seeks it, not because citizens generally want it. The result of these past events is that Cary’s annexation ability is unlimited, indeed it can, annex it will, imposing on all Chatham Citizens the duty and expense of building new schools for Cary school children. Higher property taxes on all Chatham land owners will be required to pay for these schools. Apparently Cary’s own staff has estimated that Cary and Chatham County will be the largest municipality by far and its school population will require, not one, but several schools. The Joint Land Use Plan is not used and cannot solve this problem. Chatham County lost its chance during the western Wake pipeline era and when it failed to get better control over Cary annexation. The land use plan can do a much better job than it now does of protecting Chatham County from the many other adverse affects of inevitable Cary expansion.

Kate Dunlap, 1322 Mt. Olive Church Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“I am speaking to you tonight as a board member of Chatham Citizens for Effective Communities.

If the draft Chatham-Cary Land-Use Plan is approved as it is currently written, landowners, residents, and businesses on the east side of Jordan Lake are not the only ones who will be profoundly affected. Because this plan allows for increased residential and mixed-use density, we can expect a large influx of people as the Town of Cary creeps westward, across the Chatham County line. And while Cary may provide some infrastructure and operational services, it won't pay to educate the children that increased development will inevitably bring. That expense will be left to *all* Chatham residents, and it will be significant.

Chatham could be obliged to educate thousands of additional students, meaning that we may need not just one new school east of the lake, but probably two or three. Where will these schools be located, and how will the County pay for the land, new school

buildings, additional buses and staff that will be required? Taxes will almost certainly go up - for every Chatham County citizen.

Public education is already 40% of the County budget, and that figure will probably rise. But increased costs will not only relate to schools. What about Health Department, Social Services, and other County government services? These are all additional expenses that you must plan for, because if this draft plan is approved, there is the very real potential for Cary to become the largest town in Chatham County - perhaps larger than all of our existing towns combined.

Caroline Sieverson, 5560 Castle Rock Farm Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“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 view-shed 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.

Esta Cohen, 688 Van Thomas Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Tonight 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 summer's 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.” and 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.

Thank you.”

Larry Ballas, 139 Indian Creek Lane, Apex, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“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. Cannot 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 is 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 and 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 cannot 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 voter's 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 boundaries. 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.

Thanks."

Pennie Coussit, O'Kelly Chapel Road, Apex, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I am Pennie Ellis Coussit, of O'Kelly Chapel Road, Durham, which is 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 Road and Pittard Sears Road. 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 Road, which is my eastern border. My northern border is O'Kelly Chapel

Road, 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 Road. The only land that borders my property to the West is my father's old home place, 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 Road 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.”

Peggy Buckingham, 10313 Tanners Mill Place, Raleigh, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“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 Road and Pittard Sears Road.

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.”

Martha Girolami, 473 Mt. Pisgah Church Road, Apex, NC, stated that she used to think that the worst thing that could happen to this area was that Cary would come in and its building practices were so poor that we would end up having massive erosion. In our background, we remembered Amberly and other western Wake developments that caused such a tremendous soil runoff into Jordan Lake. We were afraid that there would be another environmental destruction, there would be no good transitions between areas, and it would be high density Cary with “big box houses. She stated that she was glad that we had the Land Use Plan in place and they were trying to get an agreement, but she thought we needed a relationship with them and needed to make progress in agreement. One of the things that she has realized, is that we have another big thing on the horizon that we need to know about which is hydraulic fracturing. If you own your mineral rights, you have no problem. Also, one of the things about hydraulic fracturing is that it happens so fast. In Bradford, PA, in 2010, fourteen hundred hydraulic fracturing wells called “frack sites” were put in place. Another fourteen hundred well pads were drilled in 2011. We are sitting on the Triassic Basin in this area. The Triassic Basin is approximately two thousand feet down and has a shale layer. There is analysis now being done to determine how rich it is to form natural gas.

Don Simmons, 621 Mt. Pisgah Church Road, Apex, NC, stated that it is not that he plans or wants to develop Chatham County, he'd just rather for Cary to get out altogether. He stated that he feels when their development rights are taken away, without compensation, there is a problem. He has lived in two other states that have farm preservation programs and land preservation programs. There was either compensation for the development rights or compensation through taxation relief. He stated that he owned forty acres and backs up to the reservoir. He is concerned because the Corps of Engineers bought 45,000 acres. The lake covers 14,500 acres. That is a tremendous buffer. At the last meeting, someone had the nerve to state that the property owners who were next to the line need to set up another buffer of 100-150 feet to keep hunters from shooting you. This is going out-of-sight. Some type of compensation needs to be given if you are going to take the development rights away. He stated that he wanted the Board to take this process back to Chatham County and work it from Chatham County. We have people who will be able to work through the process. We do not need Cary to come in and tell us what to do.

Commissioner Kost stated that in Durham, they are a mile from the lake, but since that didn't work, they "moved" the lake.

Mr. Simmons suggested that as water becomes more scarce, the lake will have to rise. The people who objected to making it so small are going to be the ones who suffer from the lack of water.

Dianne Reid, 27 Freeman Drive, Pittsboro, NC, NC, President of the Chatham County Economic Development Corporation, spoke in favor of the mixed use node, in particular the inclusion of employment centers in the Joint Land Use Plan. She stated that in 2008, a strategic plan for economic development was completed for Chatham County. One of the primary findings that backed up the plan was that Chatham County was rapidly becoming a bedroom community. It was moving well in that direction. Some of the evidence is that 55% of the labor force live in Chatham County and commute outside of the County to work. In addition, about 62 cents of every dollar that Chatham County residents spend is spent outside of the County. The problem is that it is hard to sustain. There have been many cost of communities studies that look at residential development versus commercial development versus farmland. In everyone of those instances, as a whole, residential development does not pay for itself. There is more demand generated for services to support it. In order to support the support the services, we need to have a larger commercial tax base. At the present time, it is about 10% of the total tax base that is commercial enterprise. We need to change that. The EDC strongly supports the belief where there is adequate infrastructure, as there will be in this area, we need to make sure that development includes a commercial component including office, residential, research and development, light industry, not just retail (although it is needed as well). Jobs need to be created for a commercial tax base.

Joe Glasson, 11408 Governors Drive, Chapel Hill, NC, Chairman of the Chatham County Economic Development Corporation Board, stated that there are many people in the room that have been along the journey of getting the land use plan to completion. Everyone who has been involved from the start to the finish should be applauded for it. It has not been an easy journey for anyone. He stated that there has been a lot of talk about Cary and Chatham County tonight. He stated that he thinks they have to be careful in what they are doing. In reality, they want to be able to have folks to have houses to live in, but at the same time to have jobs near their houses. They also want to be able to have reasonable balance between work and where one lives. He asked as the Board goes through this process and looks at where the economic nodes could be located, we have no desire in terms of being dramatically involved in where the nodes might be, but they hope that the nodes are not eliminated.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"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.”

George Lucier, Redbud Drive, Pittsboro, NC, stated that this has been a long process with six different Boards of Commissioners. He stated that the idea of regional cooperation with Cary is a good idea, not just Cary, but all our neighbors. Some of our most difficult problems can only be solved by regional cooperation; however, it is important when we do this to look after Chatham County’s own interests. He raised four issues: 1) The protection of Jordan Lake which is clearly a goal. He stated that he was worried about the westward drift to the rural buffer. He thinks that the current stream buffers that we have in Chatham County and including the protection of ephemeral streams should be part of the joint use plan and should be adopted as such. 2) He stated that he agreed with Dianne Reid and Joe Glasson said about economic development centers. It is going to be important to work with the citizens of that area to determine where that is best located. He stated that he is worried that in the 2011 version, the requirement that Chatham County development the design guidelines and design principles for the economic development centers has been removed stating that they do not want Chatham County to exactly like Cary. 3) Schools – The Cary Planning Staff estimates that up to twenty-five thousand people can live in this area. This is larger than Siler City, Pittsboro, and Goldston combined which will include approximately 2,500 students. This has not been adequately addressed. He stated that everyone agrees that

Chatham County needs to control its own destiny. Some of the leverage was lost in the recent decision with the western Wake partners. He stated that he agrees with Mr. Starkweather who stated that we need to work toward enacting a local bill going in jointly with Cary that zoning decisions require mutual approval by both Chatham County and Cary.

Debra Sears, 78 Barbee Road, Apex, NC, stated that they found this summer, going house to house, that 88% of the people are opposed to the higher taxes, regulation, and traffic that this proposal will lead to. Six percent were undecided. Six percent are in favor. Therefore, 94% are either undecided or opposed and 6% are in favor of this. Regarding the mixed use, the Sears Family presented a petition to back them out of the mixed use area and they still request that that happen. If the Board would like to move it to 64 and 751, it is ok with her. Also, she would like to see Siler City, Pittsboro, and Goldston developed for the development plan. Regarding the ETJ, she stated that she appreciates the emails that she receives on them; however, she is concerned about having implementation Step #3 which looks like it was Cary's. She asked the Board to please be forceful with Cary.

Elaine Chiosso, Haw Riverkeeper, Bynum, NC, stated that this is the thirtieth anniversary of the Haw River Assembly. She stated that they met thirty years ago in the Ag Building Auditorium for their first meeting at which hundreds of people which thought it was a great idea to try and protect the Haw River and Jordan Lake attended. Their meeting was held three months prior to the formal dedication of Jordan Lake by Governor Hunt and they were there to let it be known that they were going to try and protect it in perpetuity.

Ms. Chiosso presented her comments to the Board and provided them in their entirety for the record as follows:

**Comments on Joint Chatham Cary Plan
Chatham County Board of Commissioner Public Hearing**

“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.”

Kathy Sears, 9619 Rocksprings Street, San Antonio, TX, stated that she has been a property owner in this area since 1985. In San Antonio, she pays .3 acres, she pays \$6,000 in property taxes each year. They have grown from one million to almost two million since she has been there since 1997. She stated that she is not in her backyard regarding the mixed use node proposed for the 751 Lewter Shop Road area. Thanks to her mother's poor health, she returned December 23, 2011 to care for her. While here, she has noted the increased motorized traffic, the speed, and the size of trucks in this area. The large number bicycles trafficking this area per day is in excess of one hundred on any given day and on weekends, three to four hundred per day. The large number of horses, peacocks, dogs, cats, deer, and ducks along the Lewter Shop-Green Level Road is amazing. She stated that she tries to walk along this area but cannot as it is not safe; and that to walk along the area to visit her elderly teacher on 751, she must drive. Increased traffic is not beneficial to these intersections. We are from a recognized century farm family. Her family gave land on which the University of North Carolina at Chapel Hill is built. She stated that she would like to return after her time in the US Air Force and build on her property.

Don d'Ambrosi, 275 Ferrell Road West, Apex, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Commissioners; Mr. Manager; Fellow Citizens...Good Evening,

My name is Don d'Ambrosi. My wife Marie and I reside at 275 Ferrell Road West 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 down-zoning 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.”

Keith Horil, 1620 New Hope Church Road, Apex, NC, expressed his support for the current land use plan. He thanked the Board of Commissioners for their hard work.

Kathryn Butler, 404 Wooded Lake Drive, Apex, NC, asked that the map be shown highlighting the section going into Durham County. She stated that there is a plan, in which she is not in favor, of both 751 and O’Kelly Chapel Road to become four-lane roads by 2035. She suggested that a mixed use node be included around the area of those two intersections. Some of the property is hers and she has outlined that of other property owners in the area who would probably be in favor of it. It is an opportunity in which Durham may be interested. She spoke in favor, not of the plan and is not opposed to the plan. For those who have lived there years before Jordan Lake existed, the Jordan Lake activity took part of seven tracts of land from her family. The creation of the rural buffer is therefore another land grab. This land use plan is basically another extension of that. She stated that they should just split the plan, make Cary come in and provide sewer to light green area (on map) which protects the lake stating that it was a humorous suggestion but this is a lot of land which has essentially been reduced in value by this plan. As a concerned land owner, she doesn’t necessarily want to develop it, but some consideration needs to be given to the people who are at a second level having their land devalued.

Randall Gressett, 106 Fairway Valley Court, Cary, NC (Land owned in Chatham County: Parcels 88472 (17.5 Acres) and 88005 [17.5 Acres] Land Description: On Luther Road in the med density map. Land adjoins core land.) presented his comments to the Board stating that he is speaking as a resident of Cary and a landowner in the affected area and provided them in their entirety for the record as follows

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.”

Wendy Mason, 235 Indian Creek Lane, Apex, NC, stated that they are already a developed neighborhood with large lots. She stated that they had been involved in this forever. She commended the Board for having reduced the density from what it has been in the past. The lack of definition still concerns her as to what they can do with the acreage. She stated that they heard someone in attendance tonight state that they wanted to see higher density on their land because they have a great buffer and creek. All of the land is covered in creeks. It is the definition of how it can be twisted of two dwellings per gross acreage means. It can all be shoved into one corner and she would like it more defined. If it is really two houses per acre, then call it two houses per acre. She stated that she read the plans for keeping Jordan Lake clear. When Amberly was being developed, she was on a first name basis with the water quality guy who told her that he could not handle covering the entire development. They learned a lot because Jordan Lake turned yellow. They cannot let that keep happening as they plan on living there for a very long time.

Cecil Wilson, 489 Holland Chapel Road, Apex, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“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 Road, Martha’s Chapel Road, and Holland Chapel Road, 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!”

Bill Berry, 395 Perfect Moment Drive, Durham, NC, stated that he was very pleased to hear that the Board of Commissioners is firmly opposed to the ETJ. He stated that he was concerned that they did not hear more testimony at a high pitch regarding that. In as much as he realizes that they are going to end up negotiating with Cary, he is in attendance to be the ferocious citizen (frame of reference) with negotiating with Cary

Commissioner Petty stated at the last meeting that the Board discussed that the ETJ would be a deal-breaker if it was enforced.

Patrick Barnes, 274 McCoy Road, Apex, NC, stated that the fight against Cary started in the early 1990's when Cary annexed Green Level and destroyed it. The first person to actually fight Cary was Commissioner Kost and he was second. He stated that the map has several deficiencies. If you want your hubs where they are supposed to be, according to the Institute of Government, Chapel Hill, they should be put in Siler City, Pittsboro, and Goldston where the population is concentrated. The four economic conditions needed for economic development are adequate schools, police, hospitals, and sewer and water. We do not have our own sewer and water in Chatham County. We are one of the few counties in North Carolina that does not have its own sewer system. Chatham County should build its own sewer system. Commissioner Cross knows where to build the sewer plant and where to run the lines which was done several years ago. Improve the water system and let Chatham County control its own destiny, not Cary.

Jason Daughenbaugh, 218 Luther Road, Apex, NC, stated that he was a landowner on Luther Road and on 751. He stated that he grew up in Carmel Valley, CA which remains rural; moved to Sumner County, Hendersonville, TN outside of Nashville. Nashville has had a huge expansion in the last twenty years taking a lot of the rural parts with it. He stated that he now lives here and his livelihood is based on serving those that own the land. He does septic, irrigation, landscape, environmental work including storm retention. He stated that he is torn between serving those who have owned and farmed the land whose interest is in the acreage. We are, however, in a very special area because we have a lot of environmental impacts with the lake. In Nashville, they lived on a lake which is a tributary to the Cumberland River. The quality of water has degraded over the years. We have huge algae blooms and lots of trash; however, it is a nice asset because we have the enjoyment of it on the weekends. It is also the water source and the water quality is fair. He asked that when taking into consideration the future growth and development, the landowners who have the land are respected. At the same point, understand that those that don't have the large land that have a financial interest in the smaller parcels care about the land just as much as the larger landowners. He asked that the beauty of the land be remembered and hopefully it can be retained for many years to come.

Ronald Copeland, 3003 Highway 751, Apex, NC, commended the Board of Commissioners for the land use plan. He stated that 35-40 years ago, he stood up in the courthouse and made a comment that they needed to do something on 751 to preserve the beauty and agriculture etc. of the area. A neighbor immediately stated that it was not needed. He stated that he had never spoken again. He stated that he respects what the area families want. He stated that he is a farmer and tries to be a good steward of the land and do what they can in order to preserve the land. He stated that he could not deny his small granddaughters the fair opportunity to reap some profit on the land they have attended all these years. He stated that he did not want to sell his land, but didn't want to stick his head in the sand and say that growth is not inevitable. It is coming and Chatham County should be in a position to offer goods and services to its citizens.

Other comments received:

Bettie Toma: I was at last night's Chatham County Commissioners meeting January 18, 2012 and was coming for agenda item 17. I was not scheduled to speak, but wanted to give a statement. Unfortunately, I had to leave due to an emergency. Here is my statement that I would like to be included as input to last night's meeting:

"I am Bettie Toma. I reside at 664 Lewter Shop Road in Apex, NC 27523. 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."

From: **George Terrone** [<mailto:geot@itsco.com>]

Sent: Friday, January 13, 2012 1:58 PM

To: Benjamin Howell

Cc: Jason Sullivan; Scott Ramage

Subject: Re: Land use definition question

Thanks, Benjamin. I definitely appreciate the clarification!

On another note, 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.

Thanks again,
George Terrone

Chairman Bock stated that he and the Board appreciated everyone's comments. He asked about the discussion and research of the ETJ and if it was proper at a point to do that or does the Board of Commissioners return to the other board and tell them that they are taking it out.

Commissioner Kost stated that she was not concerned with it being proper; that she wanted to know if it was legal. Chairman Bock stated that he wanted to be certain that they were following the correct steps.

Commissioner Petty stated that they already know where they stand.

The County Manager stated that he understands that the process will work, it that after the Chatham County public hearing and the public hearing in Cary, if there were things to modify based on the comments, they were be considered; it would be returned to the subcommittee; they would do the same; it would then go forth with a joint process as revised.

Chairman Bock asked if they could do a quick resolution removing that step, stating that there will be several things that they wish to change based on input, emails, etc., but they want to ensure the public that they want to do so.

The County Manager stated that he did not feel that would be a surprise to Cary.

Commissioner Kost moved, seconded by Commissioner Petty, to remove the reference to the further discussion in 2013 regarding allowing Cary to have ETJ in Chatham County.

Ben Howell asked for a clarification if all the Board wanted was to remove implementation steps that have come forth with the ETJ. By consensus, the Board agreed.

Chairman Bock called the question. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Commissioner Kost reminded everyone of the January 24, 2012 public hearing to be held at the Cary Town Center, Academy Street, Cary, NC, 6:30 PM. She stated that Cary needs to hear from Chatham Citizens.

ADJOURNMENT

Commissioner Stewart moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 9:15 PM.

Brian Bock, Chairman

ATTEST:

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