

MEETING NOTES RELATED TO COMPACT COMMUNITY DISCUSSION
FROM JOINT MEETING BETWEEN
Land Use Plan Implementation Committee AND Board of County Commissioners

February 25, 2003

Chairman Emerson asked each member of the Land Use Plan Implementation Committee to offer an introduction.

Larry Hicks, Hal Milholen, Clarence Durham, Steve Seilkop, Mark McBee, Linda Stier, Howard Stier, Ray Greenlaw, Karl Ernst, Hal House, Ben Hitchings introduced themselves accordingly.

LUPIC Chairman, Larry Hicks, opened the discussion describing LUPIC's process and the progress to date.

Mark McBee, LUPIC member, submitted a minority report and distributed it to various parties in the room.

Chairman Hicks then began to walk the Board through Attachment 1 (*provided at the bottom of the meeting notes below*). Attachment 1 is entitled "**Supplemental Materials Document**".

Chairman Hicks pointed out that many of the options included as Tier 1 issues in the "*Supplemental Materials Document*" rely on the Land Use Development plan. He explained that the LUPIC group did not remove any ideas submitted by any member prior to the public outreach sessions. The group recognizes that many of these ideas will be trimmed as the Board moves into the drafting of an ordinance.

He also pointed out that Triangle J is continuing to assist the group with a "sensitivity analysis" that would examine whether or not such a development can be built given the design flexibility of a 1,000 acre maximum tract. The analysis would also examine what the maximum thresholds of such a development might be given certain conditions. (*ie: tract of land free of wetlands, tract of land with excellent soils, etc.*)

Based on an initial examination of the requirements he suggested it is possible to construct a project that returns a density very similar to a Southern Village or a Meadowmont.

He pointed out the difference between Chatham and many other areas will always be the availability of public sewer. He explained that the LUPIC group is trying to account for the need for the extra acreage that is necessary due to the lack of sewer. He pointed out that the existing *Draft of Recommendations / Options* identifies the recommended maximum density of 2 per net acre as a *Tier I issue*. He explained that once accounting for the necessary acreage for spraying wastewater, dedicating open space (etc.), you do end up with densities similar to Southern Villiage and / or Meadowmont.

He explained that this ordinance is unique in that development pressures are resulting in spray irrigation systems, which necessitates efforts to protect ground water and surface water.

Chairman Emerson asked if the agronomic rates in the farm industry operate on the same logic as spray irrigation. Hal House, LUPIC member responded that the two systems have different goals and he pointed out that LUPIC's efforts have been specific to development issues and the safe disposal of wastewater.

Chairman Emerson went on to ask about the possibility of irrigating this water on a farmer's property if he needs it. Hal House responded that designing a system for disposal pushes the limits of the land and we are working from the perspective of reusing water.

Chairman Emerson asked how we can accommodate different soil types. Hal House responded that LUPIC's work has been designed around reuse water on varying soil types. He pointed out that a public reuse line that the development dumps into may be safer than depending on a temporary arrangement to spray irrigate the water on a site owned by a third party.

Chairman Hicks reemphasized the need to set aside sufficient acreage for the system to sustain spray irrigation. He went on to mention that LUPIC encourages sharing reuse water where it is needed once the needs of the system have been planned for.

Commissioner Pollard inquired about her memory of an article that suggested densities of 4 units per acre or better are necessary to accomplish mass transit. Allen Baddour, LUPIC member, pointed out that the density in the residential built upon area actually results in a number higher than 4 units per acre once you account for the set-aside acreage required for spray irrigation, open space set asides, etc.

Chairman Emerson pointed out that a good deal of economic analysis from the developer's perspective still remains ahead of us. He pointed out these kinds of issues need to be addressed after this draft is studied more carefully, but before the Board of Commissioners make decisions.

Chairman Hicks pointed out that Chatham's current regulations allow for projects that developers have proven to be economically feasible even at 1 unit per acre. Doubling the density means a greater return and may allow for exactions. He suggested that the wastewater issue is critical to greater densities and we still have ahead of us economic viability, physical viability, and environmental viability questions as we move through the process.

He made clear that LUPIC does not intend to produce an ordinance that does not allow compact communities to develop.

Allen Baddour and Larry Hicks also pointed out the importance of affordable housing.

Commissioner Outz asked about the 2-mile separation requirement. Chairman Hicks pointed out that it was not the group's interest to downzone areas around compact communities and intrude on existing property rights that property owners currently have. The group opted instead to leave alone the right of existing landowners to develop at a density of 1 unit per acre. He also pointed out that the land next door to compact communities often experiences increases in the value of property given it can still develop at its use by right density.

Chairman Hicks went on to clarify that the land next door has the same development rights that it has today. You only have to develop with these higher densities if you are willing to meet the menu of requirements that the committee is recommending.

Chairman Hicks went over the recommended location of the community within 1 mile of four-lane highways. He went over the flexibility of allowing the developer to have some discretion in where to locate the commercial areas.

He also suggested the passive open space requirement of 30 percent does not preclude a development from happening.

Commissioner Outz asked if a developer followed all of these recommendations, would it not raise the cost of the houses? Chairman Hicks pointed out that everything in the plan is not mandated. He also pointed out that the economic viability of the project and the demand for the homes will determine the cost of the houses.

Chairman Hicks emphasized again the importance of studying the developer's plans for wastewater because once the development is built, the health of the wastewater system is dependent on the people who live there.

Chairman Emerson asked if preemption legal issues exist related to the locality's ability to require wastewater plans more stringent than the State's standards. He cited Chatham County's experience with preempted hog regulations. Ben Hitchings, Triangle J consultant, reported that it is possible to require different standard if you receive special permission from the Environmental Management Commission. Triangle J is continuing to research the item on behalf of the County as we move into the process of drafting an ordinance.

repair areas for subsurface systems.

Chairman Emerson asked if comparable ordinances exist. Allen Baddour and Hal House pointed out that what makes this ordinance unique is the need for wastewater spray irrigation and to date they know of no other comparable ordinance.

Chairman Hicks encouraged the Board to contribute comment by email as the LUPIC group moves towards March 17th and the preparation of a draft ordinance for public comment before the item travels the traditional Planning Board process.

Commissioner Atwater pointed out his belief that the document is in sufficient shape for moving forward to a draft ordinance and he expects the Board to take the opportunity to pursue necessary detail.

Chairman Emerson suggested the perception is that there is a big struggle going on between a growth segment and a non-growth segment. He stated he does not believe this is entirely the case, although there are divergent views. He also recognized that the process is flexible and all of our interests are flexible enough to allow for more input as we move forward. He made clear his expectation that a draft ordinance would be helpful for collecting more input at a public hearing before the item goes to the Planning Board.

Dr. Lucier, Planning Board Chairman, supported Chairman Emerson's summary of the process. He described the work to date as a menu that will result in an ordinance. He stated that the Planning Board looks forward to doing its part after the public hearing.

The Chairman asked when the public hearing would be advertised and suggested that we have the flexibility to advertise the hearing as an initial hearing with a target date of March 17th.

The Chairman went on to point out the ongoing nature of the project and suggested that any information that causes the LUPIC group to change any recommendations between now and March 17th is acceptable.

Commissioner Pollard asked for information from Hal House on defining an intermittent stream.

Hal House used a branch as an analogy of the definition of perennial, intermittent, and ephemeral streams. He also described the importance of each one in protecting the overall quality of surface waters.

MEMORANDUM

To: Chair and Board of Commissioners
From: Larry Hicks, LUPIC Chairman
Paul Spruill, Assistant County Manager
Staff to Land Use Plan Implementation Committee (LUPIC)
Date: February 23, 2003
Re: *Attachment 1: LUPIC Supplemental Discussion Document*
Attachment 2: Reference Copy of Compact Community Considerations / Recommendations
Attachment 3: Reference Copy of MEETING NOTES TO DATE during LUPIC Joint Meetings
Attachment 4: Reference Copy of WRITTEN COMMENTS TO DATE from individual citizens
Attachment 5: Reference Copy of CHATHAM COUNTY'S ADOPTED LAND USE PLAN

In the first attachment, please find the LUPIC *Supplemental Discussion Document*. This document, compiled through an



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As noted in the cover memorandum to the *Compact Community Considerations / Recommendations* document (attached for your reference), the work session is to seek further guidance on the critical issues of the document. You will recall that the document was forwarded to you in early February, but is provided again for easy reference.

The *Compact Community Considerations / Recommendations* document has been widely distributed to the Board of Commissioners, appointed boards, various and diverse stakeholder groups, and the public at large, through the County web site, libraries, and County offices. At least nine public sessions with various appointed boards, public, and municipal boards were held during the month. In addition, private groups, including the Chatham County Homebuilders Association, Fearington Homeowners Association, and the Haw River Assembly have taken up the topic. LUPIC continues to conduct joint discussions with this list of stakeholder groups and, as a result, receives public feedback daily. Inclement weather has forced the rescheduling of some sessions, including the Southeast Chatham Citizens Advisory Council and the Siler City Town Council. Feedback summaries on sessions to date are provided as Attachments #3 and #4.

Attachment #5 is the Land Conservation and Development Plan, adopted November 2001, and has served as the guiding document for LUPIC's work.

The following is the proposed agenda for the LUPIC discussion:

- Comment/general summary, LUPIC Chair, Larry Hicks
- Minority committee reports on the *Considerations/Recommendations*
- Tier I topics of discussion (see Attachment1)
- Next steps

The recommended outcomes of the meeting are:

- Clarification of any questions regarding LUPIC's purpose, process, and outcomes.
- Direction from the Board of Commissioners on the issues identified as Tier I issues. These issues are listed on Attachment 1 and are defined as issues critical to drafting an ordinance suitable for public comment on March 17th.
- Determination of any further information the Board may need from LUPIC in preparing the draft *Ordinance for Public Comment*.