

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 20, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on August 20, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney, Kevin Whiteheart; Assistant County Manager, Renee Paschal; and Clerk to the Board, Sandra B. Sublett

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Thompson delivered the invocation after which everyone was invited to recite the Pledge of Allegiance.

CALL TO ORDER

The meeting was called to order by the Chairman at 6:18 PM.

AGENDA AND CONSENT AGENDA

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

The Chairman asked that Item #5, Consideration of a request by Bynum Ridge, LLC on behalf of Chatham Partners, LLC and Roanoke Investments, LLC for subdivision preliminary approval of "The Parks at Meadowview, Phase 5", consisting of 155 lots on 155 acres, located off SR #1520, Old Graham Road, Center Township, be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

The Chairman also asked that items that were not covered in the afternoon Work Session, Land Banking Update and Jordan Lake Nutrient Rules Draft Based on Chatham Resolution, would be reviewed by Commissioner Lucier under “Commissioner’s Reports”; that a joint collaborative effort with OWASA will also be discussed; that comments from Commissioner Barnes will be made after the Public Input Session; and that a Closed Session will be added to the last of the meeting.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck to approve the Agenda and the Consent Agenda with the noted requests:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held August 06, 2007 and work session held August 06, 2007

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

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

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

3. **Library Board Appointments:** Consideration of a request to appoint Carol Hall and Ruth Roundy to the Library Advisory Board for terms to expire on June 30, 2013

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

4. **US Highway #64 Corridor Study—Phase IIA Reimbursement Agreement:** Consideration of a request to approve the US Highway #64 Corridor Study - Phase IIA Reimbursement Agreement, attached hereto and by reference made a part hereof.

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

- ~~5. **Subdivision Preliminary Approval of "The Parks at Meadowview, Phase 5":** Consideration of a request by Bynum Ridge, LLC on behalf of Chatham Partners, LLC and Roanoke Investments, LLC for subdivision preliminary approval of "The Parks at Meadowview, Phase 5", consisting of 155 lots on 155 acres, located off SR #1520, Old Graham Road, Center Township~~

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

6. **Subdivision Final Plat Approval of "Farrington McDowell Place":** Consideration of a request by Van R. Finch, Land Surveyors on behalf of Fitch Creations for subdivision final plat approval of "Farrington McDowell Place", consisting of 15 lots on 14 acres, located off SR #1812, Weathersfield, Williams Township

As per the Planning Board and Planning Department recommendation, final plat approval of "McDowell Place" was granted as submitted.

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

7. **Subdivision Final Plat Approval of "Legend Oaks, Phase Two":** Consideration of a request by Staley Smith, Smith & Smith Surveyors, on behalf of HBP Properties for subdivision final approval of "Legend Oaks, Phase Two", consisting of 27 lots on 46 acres, located off US Highway #15-501 North, Williams Township

As per the Planning Board and Planning Department recommendation, final plat approval of "Legend Oaks, Phase Two" was granted with the following conditions:

1. The developer shall have one contractor install all of the supply lines for the off-site sewage treatment systems according to the requirements of the Chatham County Division of Environmental Health prior to recordation of the final plat or include the cost of the installation of said improvements in the financial guarantee.

2. The vicinity map on the mylar copy of the plat shall show US Highway #15-501 and connection of Legend Oaks, phase Two to the public road.

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

8. **Request for Co-Location of Tower on North US Highway #421:** Consideration of a request by Micah E. Retzlaff, Excell Communications, Inc., on behalf of Verizon Wireless for collocation on the existing SBA 300 ft. lattice tower located on north US Highway #421

As per the Planning Board and Planning Department recommendation, the Verizon Wireless co-location was approved as submitted to be located on SBA tower located off US #421 North.

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

9. **NC DENR Forestry Services Agreement:** Consideration of a request to approve the NC DENR Forestry Services Agreement, attached hereto and by reference made a part hereof.

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

- 10 **Tourism Matching Funds Program:** Consideration of a request to apply for the Tourism Matching Funds grant in the amount of \$3,500 from the NC Division of Tourism, Film and Sports Development, the application attached hereto and by reference made a part hereof.

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

11. **FY 2008 Social Services Contracts:** Consideration of a request to approve Social Services Contracts as listed below:

- a. Carol J. Holcomb
- b. Chatham County Together!
- c. Chatham Transit Network
- d. Chatham Trades, Inc.
- e. Child Care Networks, Inc.
- f. Family Visitation Services
- g. Sheriff of Chatham County
- h. Transcription Relief Services
- i. Deep River Mediation

The contracts are attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

12. **Jury Commissioner Appointment:** Consideration of a request by the Chatham County Clerk of Court to reappoint Mrs. Claristine Bryant, 1669 Gade Bryant Road, Moncure, NC, to serve as Jury Commissioner, term to expire on June 30, 2009

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Randy Voller, 21 Randolph Court, Pittsboro, NC, stated that he is speaking as the mayor of Pittsboro and a private citizen; that he believes the citizens are due open and honest political environment; that elections should not be overtaken by hatred; that there has been a rise of violence in Chatham County; that he hopes that Pittsboro can be a place where people can get along; and that he encourages the Board to encourage the Human Relations Commission to look into the rising hatred and disagreements.

Michelle Berger, 93 Cynthia Lane, Pittsboro, NC, stated that she is a candidate for the Pittsboro Town Board; that Chatham County is a place of great change; that the lack of certainty about the direction of Chatham have caused some to revert to politics of intimidation; that this involves targeting people based on race, ethnicity, language and background; that she asks that the Board provide for a thorough investigation of these issues; that many people are excited about the changes, but others feel lost and overwhelmed; and that leadership will set the tone of how people will respond in hoping to build community

across diverse populations as opposed to allowing the anonymous politics of intimidation to flourish and mar the great ambition for the County.

Beth Kricker, 224 Buteo Ridge, Pittsboro, NC, stated that in the fifteen years she has lived here, she has appeared before the Board too many times pleading with them to not allow large scale development to destroy this beautiful County; that although the Board can curb such growth, it does not stop developers from trying to succeed and pursue greed as their main contribution to Pittsboro; that the Board of Commissioners has the unenviable task of curbing such pursuits; that when all the trees are cut, the birds will no longer sing; that large scale residential growth and haphazard commercial growth will be destructive; that planned, smart, balanced growth will be better and provide economic development that will keep us in balance and provide a future for the children.

Tim Keim, 93 Cynthia, Lane, Pittsboro, NC, stated that he has become aware of racist, intimidating acts; that in the latest edition of the Independent there are reports of racist circulars; that these acts of hate will not be tolerated by residents here; that he asks the Board to take a strong stand against this intimidation; and that he demands that the Board exert the full extent of the law against those who violate the peace and tranquility of this County.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to request that the Sheriff look into this matter and work with appropriate federal and State agencies to address the apparent state of hate activities that have gone on recently in Chatham County and encourage the Human Relations Committee to work with different parts of the County to bring everyone together rather than pull the County apart. The motion carried five (5) to zero (0).

North Carolina Association of County Commissioners' Conference:

Commissioner Barnes stated that Commissioner Cross and he attended the 100th Annual North Carolina Association of County Commissioner's Conference held in Fayetteville; that the Executive Director and advocacy presented a first time "Honorary Legislative Advocacy Award" to Commissioner Cross. Commissioner Barnes stated that if it had not been for Commissioner Cross the last three years, the 0.4% Land Transfer Tax would not have been passed; that in his estimation, Commissioner Cross puts in three times more time than anyone else; that he has worked tirelessly on this; that it was one of the top three agenda items at the conference; that Commissioner Cross was given a pen used to sign the legislation by Governor Easley; that instead of 1%, 0.4% was approved which is a start; that it would not have taken place without Commissioner Cross' efforts; that this if the first time this award has been given; and that in order to encourage more people in the years to come, there will be an honorary legislative advocacy award given.

Chairman Thompson, on behalf of the Board, praised the efforts of Commissioner Cross. He stated that he would hate to be on opposite sides with Commissioner Cross because of his dogged determination. He stated that at times things looked bleak, but that he never gave up; and that Chatham County will be a better place because of his efforts.

PLANNING AND ZONING

Subdivision Preliminary Approval of "The Parks at Meadowview, Phase 5": Consideration of a request by Bynum Ridge, LLC on behalf of Chatham Partners, LLC and Roanoke Investments, LLC for subdivision preliminary approval of "The Parks at Meadowview, Phase 5", consisting of 155 lots on 155 acres, located off SR #1520, Old Graham Road, Center Township

Commissioner Lucier asked about the letters from the Chatham County Schools and the NC Wildlife Resources Commission.

Nick Robinson, Attorney, stated that the letter from the school system included a "check list" needed to file in order to qualify stating that everything had been done for preliminary plat design; that it stated that comments should be solicited from the school

system with regard to roadway design (not school capacity); that he always sends the letter in advance of their finding of preliminary plat application to the school system with a copy of the plat showing the road it is on and seeking their comments on the road design; and in response to that letter, they received a letter from the school system that talked about: 1) school capacity; 2) a request that the developer consider a bus stop located close to Old Graham Road to serve the entire community; that developer of this section and the owner of the property are coordinating a response with the owner of the other sections. He further responded to a question about a letter from the NC Wildlife Resources Commission, stating that the buffers set forth on this plat were set during sketch design; and that there is 480 acres of open space in the entire development.

Joe Faulkner, CE Group, stated that there were two locations/two stream crossings; that Brooks Creek Crossing is going to be a concrete, poured-slab bridge crossing, a typical DOT style bridge; that in order to minimize impact at the second location, a twenty foot span that involves an arch culvert is being installed there; that a sediment block retaining wall will be used along with the arch culvert to minimize the amount the wetlands that are impacted.

As per the Planning Board and Planning Department recommendation, Commissioner Cross moved, seconded by Commissioner Vanderbeck, to approve road names, "Botanical Way, Oakcrest Court, Brooks Creek Trail, Sugarberry Lane, Old Fort Drive, Walking Trail Lane, Wild Woods Trail South, and Wild Woods Trail North" and preliminary plat approval were granted as submitted and that they address the school's request to get the bus stop issue resolved. The motion carried five (5) to zero (0).

Subdivision Sketch Design Approval of "Larkspur": Consideration of a request by S & S Partnership for subdivision sketch design approval of "Larkspur", consisting of 22 lots on 46 acres, located off SR #1526, Andrews Store Road, Baldwin Township

Betsy Kraus, 680 Lichen Trail, stated that her land abuts the southwest corner of the development; that she is concerned about the easement; and that she doesn't think the County should approve a development without full knowledge and consent of the owner of the property;

The Planning Director answered questions from the Board.

As per the Planning Department's recommendation, Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to grant sketch design approval of "Larkspur" with the following conditions:

1. A note shall be placed on the preliminary and final plats stating that Lots #11, #12, #13 and associated open space shall be accessed from the proposed public, state-maintained roadway and not from Lichen Trail.
2. The two private easements serving four (4) lots shall be improved for the entire length of the easement to a 16 foot travel way with four inches of crush and run stone.
3. The preliminary and final plats shall reflect the correct number of lots noted under the Site Date., i.e. 22 lots not 24.
4. The preliminary and final plats shall reflect the correct deed book and page number reference for the private easement known as Lichen Trail.
5. The applicant shall provide with the preliminary plat submittal evidence that the proposed public roadway can be dedicated to the NCDOT for future maintenance once density requirements have been met.

6. Prior to preliminary plat submittal, the applicant shall have an Environmental Impact Assessment completed and peer reviewed by the Environmental Review Board.

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

Subdivision Sketch Design of "Fieldstone Subdivision": Consideration of a request by James E. Dixon for subdivision sketch design approval of "Fieldstone Subdivision", consisting of 27 lots on 83 acres, located off SR #1532, Mann's Chapel Road, Baldwin Township

The Planning Director and County Attorney answered questions from the Board.

As per the Planning Board and Planning Department recommendation, Commissioner Lucier moved, seconded by Commissioner Cross, to grant sketch design approval of "Fieldstone Subdivision" with the following condition:

1. Language on the preliminary and final plats shall read "50 foot water hazard setback/vegetative stream buffer".
2. That the applicant will move the road, if necessary, to accommodate any wetland designations.

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

ZONING AND ORDINANCE AMENDMENTS - *Items from May 21, 2007 Public Hearing:*

Request to Rezone Acreage Located Within RA-40: Consideration of a request by Carter Crawford for Paul Austin to rezone approximately 7.37 acres of Parcel #73961 consisting of 77.62 acres located within a residential/agricultural RA-40 zoning district to Conditional Use Light Industrial, located at 245 Buckhorn Road (SR #1921), Cape Fear Township (Note: This item has been withdrawn by the applicant which has the effect of denial.)

There were no deliberations due to applicant withdrawal.

Request for Conditional Use Light Industrial Permit: Consideration of a request by Carter Crawford for Paul Austin for a conditional use light industrial permit for a multi-use building for uses including festivals, concerts, horse auctions, plays, and benefit sales on approximately 17.37 acres of Parcel #73961 consisting of 77.62 acres located at 245 Buckhorn Road (SR #1921), Cape Fear Township (Note: This item has been withdrawn by the applicant which has the effect of denial.)

There were no deliberations due to applicant withdrawal.

Request for Conditional Use Permit for Private and Public Recreation Camps and Grounds: Consideration of a request by Carter Crawford for Paul Austin for a conditional use permit for private & public recreation camps and grounds on approximately 20 acres of Parcel #73961 consisting of 77.62 acres, located within an RA-40 (residential/agricultural) zoning district, at 245 Buckhorn Road (SR #1921), Cape Fear Township

As per the Planning Board and Planning Department recommendation, Commissioner Cross moved, seconded by Commissioner Barnes, to adopt **Resolution #2007-32 Denying an Application for a Conditional Use Permit Requested by Carter Crawford for Paul Austin**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Items from July 16, 2007 Public Hearing:

Request for Conditional Use Rezoning: Consideration of a request by Andrea Snyder for a conditional use rezoning from RA-40 Residential/Agricultural to CU-B1 Business District on approximately 1.137 acres, Parcel #82736 located at 587 Old Farrington Road (SR #2053), Williams Township

Andrea Snyder, applicant, stated that there was one adjacent neighbor who spoke up to say that they did not receive the letter but that they were for the rezoning. She stated that the concerns that she heard were easily addressed.

As per the Planning Board and Planning Department recommendation, Commissioner Lucier moved, seconded by Commissioner Barnes, to adopt an **Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request for a Conditional Use Permit for Beauty Salon: Consideration of a request by Andrea Snyder for a conditional use permit for a beauty salon on approximately 1.137 acres, Parcel #82736 located at 587 Old Farrington Road (SR #2053), Williams Township

As per the Planning Board and Planning Department recommendation, Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to adopt a **Resolution #2007-33 Approving an Application for a Conditional Use Permit Requested by Andrea Snyder**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BREAK

The Chairman called for a ten-minute break.

PUBLIC HEARINGS:

Public Hearing to Amend Chatham County Watershed Protection Ordinance: Public hearing to receive public comments on a request for a proposal by the Chatham County Board of Commissioners to amend Section 304 and other portions of the Chatham County Watershed Protection Ordinance concerning Riparian Buffers Areas. The proposal increases some existing buffer areas, requires buffers on additional drainage ways, specifies permitted and prohibited uses within the buffer areas, and specifies procedures for review of uses. The proposal also provides a section addressing purpose and intent as well as adding definitions and revising definitions in the Ordinance.

Allison Weakley, Chair of the Environmental Review Board, presented a power point presentation entitled, "**Recommendations for Riparian Buffer Requirements, Section 304 of the Watershed Protection Ordinance**" as follows in its entirety:

ERB Members:

Allison Weakley (Chair) – Biologist
Elaine Chiosso (Vice-Chair) – Executive Director, Haw River Assembly
Michael Dunn (Secretary) – Educator and Naturalist, NC Museum of Natural Sciences
John Alderman - Aquatic Biologist
Tara Allden - Soil Scientist / Attorney
Connie Allred – Biologist
Raj Butalia - GIS analyst / Environmental Scientist
Dr Hal House - Environmental Scientist
Dr Sonny Keisler – Political Scientist / Developer
Dr Steve Wing - Environmental Epidemiologist

Some background on our recommendations...

- Board of Commissioners (BOC) requested ERB begin work in March 2007

- Only Section 304 (*Riparian Buffer Requirements*) of larger Watershed Protection Ordinance

Our recommendations are based on...

- Existing language in Section 304
- Proposed language that went to public hearing in January 2007
- Collective knowledge of and research by the ERB

Our recommendations are also based on input received from...

- Citizens
- Trail advocates
- Development community
- State agency staff
- Dr. Jim Gregory, NC State University

The Environmental Review Board (ERB) recommendations for Riparian Buffers balance:

- water quality and wildlife habitat preservation *with*
- concerns for public safety, economics and recreation

These recommendations pertain to new development activities in buffers only – existing development, agriculture and silviculture in buffers areas are exempt

Purpose and Intent

- (a) *To ensure* environmentally sound use of the County's water and land resources,
- (b) *To protect* the drinking water, recreational, economic, and human health values inherent in well managed water resources,
- (c) *To preserve* the biological integrity of riparian and aquatic ecosystems, and
- (d) *To help maintain* forested riparian buffers throughout the County.

What is a riparian buffer?

- An undisturbed, naturally vegetated area adjacent to a water body (stream, river, lake, wetland, etc.) that is fully or partially protected from human disturbances and thus is able to safeguard the water body from pollution and habitat degradation.

Forested riparian buffers...

- Reduce pollutants and filter runoff,
- Help maintain water and air temperature by providing shade,
- Help sustain natural channel morphology,
- Stabilize stream banks,
- Help reduce flood severity,
- Facilitate the exchange of groundwater and surface water,
- Provide most of the organic carbon and nutrients necessary to support aquatic food webs,
- Provide sources of large woody debris for stream channels,
- Provide important wildlife habitat, and
- Protect riparian plant communities.

Our riparian buffer recommendations...

- Strengthen the original language
- Clarify the methods used to identify streams and wetlands
- Provide definitions for stream types, wetlands, etc.
- Include protection for headwater streams

Importance of headwater streams

- About 75-85% of total stream length in a watershed occurs in headwater streams

Our recommendations...

- Incorporate techniques to mitigate impacts
- Specify how to measure buffers

- Provide greater review of stream determinations
- Ensure that buffers are clearly marked before construction begins
- Include system to track environmental protection during construction

Recommendations for buffer width requirements

- Perennial streams – 100 feet
- Intermittent streams– 50 feet
- Ephemeral streams – 40 feet
- Springs and seeps – 30 feet
- Wetlands – 50 feet

Allowed Structures and Uses

- Water dependent structures
- Signs and lighting for safety purposes
- Crossings (roads, utilities, etc.), but with restrictions and specific requirements
- Stream restoration projects

Prohibited structures and uses

- Wastewater treatment and disposal
- Hazardous or toxic substances
- Landfills
- Constructed stormwater features
- Motor powered vehicles (except emergency and utility)

Summary of other recommendations to avoid a loss of effectiveness in protecting streams

- Trails allowed within buffer, but require Management Plan and follow specific criteria
- Crossings must minimize impact
 - Bridging or open bottom culverts
 - Fill and bridge support structures should not restrict overland flow into floodplain
- Fill should not be allowed within 100-yr. floodplain
- Direct stormwater discharge not allowed in buffer
- Natural revegetation of buffers (with native plants)
- Invasive plants may be removed

Some important distinctions about our recommendations...

- Pertain to *development only* (not to forestry and agriculture)
- Rely on *field-delineated* streams, wetlands, and other water bodies (not on USGS topo maps or soils maps)
- Delineations follow established methodologies to identify streams and wetlands

Importance of Ephemeral streams

- Originally proposed language buffered ephemeral streams with 10-25+ acres drainages
- Our recommendation:
 - Forty (40) feet buffer around ephemeral streams,
 - Beginning at the point draining at most 4 acres.
- Recommendations for 4 acre drainage based upon:
 - DWQ research and input
 - ERB research, stream mapping and field work
- Suggest using LiDAR as screening tool and identification aid

Trails within Riparian Buffers

- Original language proposed for Section 304 allowed only walking trails and paved biking trails within buffers.
- Revised language allows walking, biking and horse trails.
- A Management Plan will be required for trails within buffers.
- The Plan should include a minimum of the following:

- Existing site conditions
- Need and purpose (including intended use)
- Design details
- Justification
- Responsible entity for trail construction and maintenance
- Short and long-term impacts
- Proposed mitigation

NOTE: BUFFER REGULATIONS/TRAIL LANGUAGE PERTAINS TO DEVELOPMENT ACTIVITIES ONLY.

Trails within Riparian Buffers: Some Specific Criteria

- Impacts should be avoided and/or mitigated
- Horse and mountain bike trails allowed in outer 1/3 of buffer only
- Crossings should minimize intrusion in buffer and not impact stream
- Trails should not closely follow streams for a significant distance

Ms. Weakley thanked the Board for the opportunity to review their recommendations and stated that they look forward to the public input.

The Chairman stated that the Environmental Review Board has put a lot of time and effort into the recommendations; that the Board is very fortunate to have the individuals with the expertise who serve on this board; and that the Board appreciates their service.

Barbara Oslund, 114 Holly Glenn Road, Pittsboro, NC, stated that she is very supportive of most aspects of this ordinance; that she still has some concerns; that the buffer proposed is only one purpose of water quality protection; that she has attended the meetings of the Environmental Review Board since March and she did not feel that the trail advocates were listened to; that there was little opportunity for meaningful discussion about how trails would integrate into the plan; that as a citizen she is disappointed to say there is not a lot in Chatham County to fight about; that we should be encouraging farmettes and equestrian friendly development; and that things are being done well in other parts of the state.

Ms. Oslund stated that she would like to see the language revised, the Board appoint someone to work on an ad hoc committee with the Environmental Review Board to help redevelop and/or reword the language, and the Board have a vision for this buffer that would invite other opportunities and allow unity among the different constituents in the County to support conservation efforts.

Gretchen Smith, 598 Jones Branch Road, Chapel Hill, NC, stated that she was in attendance to speak in favor of the Environmental Review Board (ERB) recommendations for amendments to Section 304 of the Watershed Protection Ordinance and for Environmental Assessment (EA) thresholds for the Subdivision and Zoning Ordinances; that as property owners in Chatham County, she and her husband appreciate the hard work of the ERB to protect our quality of life in this County; that she wishes to comment on two specific topics related to these recommendations under consideration; that 1) The first topic is conservation. She and her husband live on eleven acres with a stream, Jones Branch, that feeds into Herndon Creek and ultimately to Jordan Lake; that they are donating a permanent conservation easement along Jones Branch to the North Carolina Ecosystem Enhancement Program (EEP); that she would like to see the county government require developers place stream buffers in permanent conservation easements with a qualified agency willing to accept them; that according to Jan Eason, the EEP Property Specialist with which they are working, EEP is interested in accepting conservation easements for stream buffers in Chatham County; that stream buffers are not really protected unless they are placed in permanent conservation easements with qualified agencies; that stream buffers for which management responsibility is with Homeowners Associations (HOA) are not really protected, since HOA do not have the resources for ongoing monitoring, enforcement, or any necessary restoration; and that she knows from experience as she is the president of one.

Ms. Smith further stated, 2) The second topic is stream buffer widths. She stated that she would like to see any ordinance pertaining to stream buffers provide flexibility for the

county to require wider buffers than the minimums stated if, for example, a stream is in close proximity to a Significant Natural Heritage Area or steep slopes; and that if the County does not have the flexibility built into its ordinances to require more than the minimums stated, then the minimum is most likely all that will be done.

She thanked the Board for the opportunity to provide comments.

Barbara Lorie, 117 Blue Heron Farm, Pittsboro, NC, stated that she applauds the Board for establishing the Environmental Review Board; that she thanked the volunteer members of the Environmental Review Board as well stating that she realized that they have spent many hours of their private lives to form the recommendations celebrated tonight; that thanks to the Environmental Review Board, everyone now understands how fragile all the land is that harbors flora and fauna in the forests and lands at these headwaters; that we must protect the wildlife, wild grasses, herbs, insects, plants, and animals as all of it is just as important to everyone's quality of life as anything else; that we must learn to live in harmony with all the living world; that she is particularly impressed with the way trails have been defined and addressed; that everyone loves to walk the trails of our hinterland; that everyone must also recognize that not every place can have a trail; that everyone must recognize that trails cannot be placed along streams and across wetlands; that pollution is a primary concern when she speaks about headwaters; that trails do not belong where the ecosystem is fragile; that other places can be established for nature walks; that humans for too long have taken their privileges for granted; that they have assumed that the earth is theirs to do with as they wish; that with global warming, everyone must all come together to adhere to a new way of protecting the earth; that developers can no longer lay waste to the land as they have for hundreds of years ; that their incessant greed and correction pursuant to money now must be tempered with protection of the earth; that if they cannot tame their wasteful ways, then perhaps they should go elsewhere to plunder; that they are being sent a message that the people are abiding by the natural laws of the earth in order for them to keep their water, air and land clean; that this seems to be the new message that the Board of Commissioners is sending abroad to all who wish to do business with Chatham County; and that she heartily approves of the recommendations made by this commission and that she hopes that the Board will do the same.

Mary Bastin, 22 Fearrington Post, Pittsboro, NC, stated that she is very supportive of the Environmental Review Board; that she wants it to go forward in a way that people understand what the Board has in mind; that she wants the Board to fill out their vision a little more so that it can be understood and communicated effectively; that she wants to know how this committee will be working with the Planning Board and Planning Department; that she wants to be sure that these recommendations can be enforced; that she feels that there should be more input from people that will be affected by these changes; and that input needs to go beyond just speaking at a public hearing.

Tom Dunnegan and Dave Phillbrook, PO Box 607, Pittsboro, NC, stated that they have reviewed the Environmental Review Board's proposed rules for riparian buffers; that 1) Metrics and a baseline are needed to determine effectiveness of new rules; that whenever new rules are established, there would be some type of evaluation to determine the effectiveness of the rules and determine if they have achieved their intended goals; that having a goal of improving the water quality in Chatham County is good, but it needs to be defined to determine if the new rules are having the intended effects; that there is existing data which should be evaluated now to determine and define the overall quality of the streams in Chatham County; that in the future, these same areas or data need to be re-evaluated to determine if water quality is improving or still deteriorating; that this can then be the justification for changing the rules; that determination can be better made with data and the baseline needs to be established now before the rules go into effect; 2) Addressing less than 13% of the land use activities will probably not realize the water quality improvements desires; that the new riparian buffer rules only affect new development and they believe this targeting will not achieve the goal of improving Chatham County stream quality; that according to the Chatham County web page, 27% of the acreage in the County is agriculture; that according to North Carolina State University County Extension, 60% of the acreage is in timber; that that leaves only 13% of the County as developed land and an even

smaller amount will be new development; that it is probably an unreasonable expectation to see any improvement in stream quality when targeting only 13% of the land use activities; 3) Addressing other sources of sediment run off for improvement in stream quality; that the streams do not care about the source of the sediment entering them; that whether from new development, existing homes, commercial development, or roadside erosion, it should be addressed; that they are in the process of assessing the acreage involved, but estimate it will be significant; that considering all the miles of roads in Chatham County and the roadside erosion, due to lack of proper maintenance, it is probably a significant contributor of sediment to Chatham County streams; that 4) Nutrient run-off prevention need to be addressed; that about 80% of the nutrients getting into streams are estimated to come from non-point sources; that these include sources such as agriculture and private residences; that farmers generally do not over apply fertilizers because that is expensive; that the average homeowner can not calculate how much fertilizer to apply to their lot and just apply until the lawn turns green; that one key for improving stream quality is reduce or eliminate the application of fertilizers by private citizens; that this will increase the effectiveness of stream buffers as they will have to remove a small nutrient load; that it is ironic that if one wants to be paid for applying fertilizer to a residential lawn, they must obtain an applicator's license, however, an owner can put down an unlimited amount of almost any chemical with no responsibility as to off-site consequences; that 5) Section (B) 4. Requirement for water and sewer lines crossing streams; that the current requirements allow for water and sewer lines to cross a stream either attached to a bridge structure or by directional boring under the stream starting and ending outside the buffer zone; that they recommend that lines also be allowed along the edge of the road crossing the stream for two main reasons, A. Some stream crossings will be bridges and so there will not be a structure from which to attach the piping; B. Directional boring results in a pressurized line being installed under a stream where it begins to leak can go unobserved for years resulting in stream degradation and potentially contamination of groundwater; that should a pressurized line (force main) which is buried along the road edge leak, it will most likely rise to the surface quickly (because it is only buried about two feet) and should be readily observed and then fixed.

They stated that they appreciate the Board's consideration of these comments and would welcome the opportunity to discuss it with them further.

Cynthia Crossen, Haw River Watch Project Coordinator, Haw River Assembly, stated that the Haw River Assembly is a nonprofit organization based in Chatham County whose mission is to protect all the waters of the Haw River basin; that they know first hand just how important the riparian buffers are for water quality and the fragile ecosystem of plants and wildlife that depend on this habitat; that they have seen too many incidents of insufficient buffers, and the resulting damage to streams, as development has exploded in Chatham County; that they applaud and support the recommendations as presented by the Environmental Review Board, and believe they are a scientifically based approach to protecting buffers, while taking into account the needs for economic development, recreational trails and public safety; that it is important that the integrity of stream buffers is maintained; that they believe that as new developments are built, Chatham County should make it very clear that the first priority in these fragile buffer areas is water quality and ecosystem health; that the recommendation for buffers of springs, seeps, wetlands, and ephemeral streams is of the utmost importance; that the current regulations do not protect these smaller headwater streams; that it has become a common occurrence in Chatham to see ephemeral streams, even those with defined channels and aquatic life in them, be destroyed as roads, golf courses, houses, shopping centers, and sprayfields are built; that the proposed recommendations will ensure that at least some of these smaller headwater streams, as well as springs, seeps and wetlands, will not only be saved from bulldozers, but given enough of a protected buffer to survive as the land around them changes from forest to suburb.

Ms. Crossen stated that they would like to see even larger buffer widths of up to 300 feet for perennial streams in the most environmentally sensitive areas, including significant natural areas, habitats of rare species, and water supply areas; that new developments adjacent to the Lower Haw River State Natural Area in Chatham should also be required to have larger buffers; and that Chatham County is part of the Haw River Trails Partnership

along with other Haw River basin counties, cities, and state agencies who have agreed to try to protect a 500 foot view-shed on each side of the Haw River.

She thanked the Board for their commitment to protecting Chatham's water resources and consideration of their comments.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that his neighborhood takes seriously the protection of the environment; that Dry Creek is suffering from slack regulations and practices; that a developer that has bought up property around his neighborhood may do the same thing on that property; that he is a commercial photographer; that he uses the creek in his business; that he wonders how he can sell a photograph taken at a dry creek; that they have a lot of work to do and need to be protecting the streams from the headwaters from the smallest flows because they are areas from where the clean water comes; that they applaud the experts who put together the proposed requirements; and that he hopes that everyone can stay on this for the long run as it is not something that can be solved quickly.

Delcenia Turner, PO Box 147, Gulf, NC, stated that she spoke as a citizen and a member of the Chatham County Planning Board; that in the latter role, she has witnessed first hand the damage to the County due to not having the protections the Environmental Review Board is recommending for the watershed; that she has witnessed first hand the destruction to the County without the regulations; that when it rains, toxic chemicals are carried by stormwater across the land are washed into a storm drain; that it all ends up in the watershed unless there is a well-managed wetland to filter pollutants out before they reach watershed areas; that wetlands are an important element in the watershed ecosystem because they serve as a link between the land and water and are effective protectors of the watershed; that in Chatham County, the greatest contributor to non-point source pollution is sediment from improperly managed construction sites for subdivision developments; that the watershed supplies drinking water, provides recreation, and sustains life in the County; that the Environmental Review Board is trying to maintain the quality of life with their undeniably valid recommendations; that she has researched best management practices in places as far south as Mississippi and as far north as Maine; that what she found in each location was that, forested riparian buffer systems to protect watershed and mitigate the negative effects of subdivision development have been in place for more than ten years; that some of the surrounding counties, Orange, Alamance, and Cumberland, have revised their zoning ordinances and subdivision regulations to incorporate riparian buffer systems as recently as six to ten years ago; and that she would rather not have Chatham County referred to as a wasteland.

Norma Shivers, 1354 Holland Chapel Road, Apex, NC, stated that she agrees with the Environmental Review Board; that she is a farmer and has horses; and that it is a shame that she has to drive to another county to ride her horses.

Margaret Moore, 472 Walter Bright Road, Sanford, NC, stated that she is a REINS volunteer with the Cooperative Extension; that she asks that the Board allow horse trails, bicycles, and hikers to share in Chatham County; that horse owners contribute significantly to the economy; and that Chatham County will not attract the equine community.

Betsy Krause, 680 Lichen Trail, Pittsboro, NC, stated that she lives in the Wilkinson Creek watershed; that the watershed goes through nine developments as it heads south through the County; that two years ago, the creek scored very high on turbidity; that now that number has decreased significantly; that the regulations in place now do not work; and that she would like to see it better protected.

David Botts, 289 Forest Light Lane, Pittsboro, NC, stated that he wanted to applaud the formation of the Environmental Review Board; that he finally feels, after thirty-one years, like his vote counted; that he lives on ten acres on Wilkinson Creek; that he sees the affect of sediment on the creek; and that he supports the ERB recommendation.

Judith Ferster, 228 Carolina Meadows Villa, Chapel Hill, NC, stated that she supports the recommendation of the Environmental Review Board; that these recommendations are comprehensive and moderate and do include some flexibility; and that she thanks the Board for creating the Environmental Review Board.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, president of Chatham Citizens for Effective Communities (CCEC), stated that CCEC appreciates the efforts of the Environmental Review Board in preparing these proposed amendments to our watershed ordinance; that drinking water is one of our most valuable assets and necessary for life itself; that over the past few years, we've seen a dramatic, degradation of Jordan Lake and the Haw River, two of our drinking water sources; that one of the biggest protections for Jordan Lake or any other source of drinking water is the basic protection of the waters that flow into the lake; that this protection can come from a combination of things, but the most important protection is that of buffer protection; that a buffer is an undisturbed area around a body of water - a stream - a wetland, - a lake - a pond - that is preserved naturally; that a focus here is the word "undisturbed"; that anything within a buffer adversely impacts this protection; that buffers provide for the natural filtration of pollutants; that an over simplification of a very complex science: the wider the undisturbed buffer the better the protection; that this naturally leads to a compromise between the desires of citizens and development interests and the need to maintain clean water; that a compromise on the uses of these buffers is essential; that the Environmental Review Board has wrestled with these compromises and tried to develop a reasonable, practical approach to meet the protections of the vital and life sustaining need for clean water versus competing interests; and that to take this to an extreme, she asked if we allowed anyone and anything to use these buffers.

Ms. Hurley stated that a 100 foot buffer will impact a developer's bottom line to increase profits; that would a house or two be worth the compromise of the water; that it is critical to protect the wetlands and headwaters; that the balance between protection and enjoyment is a delicate one; that everyone wants to be able to ride our bikes or horses along a stream and allow for the children to feel the enjoyment of dabbling their feet in a brook - unless that brook looks murky, muddy and has dead fish and objectionable things floating on it; that the Environmental Review Board has tried to come up with a sensible, balanced solution; that their scientific knowledge and research has resulted in these proposed amendments; and that CCEC thinks they have done an excellent job.

She also stated that they recognize that not everyone is happy with these recommendations; that as humans, we can only do the very best our scientific knowledge allows; that perhaps, in the future, different technology or information will come to light; that for now, these proposed amendments are the best considered scientific opinion and recommendations we have; and that the goal is something all should sensibly agree to.

Kathleen Hundley, 136 Rocky Falls, Pittsboro, NC, stated that it is an undisputed fact that Chatham County has become, within the last five years or so, prime property for development; that the last Board of Commissioners left a legacy of well over one hundred proposals to build; that at the time, there were few long-reaching guidelines to protect the environment of the subdivision; that whatever the developers wanted to do, or not, with respect to the environs of their project, they did; that she appreciates the efforts of the present Board in organizing an Environmental Review Board to oversee future proposals and recommend limitation of excessive or harmful practices; that the three rivers in the County are in desperate need of such limits; that the Rocky River is a short river that has, over the years, been increasingly insulted by polluting effluent from both Liberty and Siler City; that currently, the invasion of the Rocky River by development threatens further insult from sediment and runoff from construction of new homes and businesses and later from fun-off of septic systems or spray irrigation and from fertilizers (nitrogen and phosphorus) from lawns and greenways; that the Rocky River is too fragile to withstand these kinds of increases; and that recommended development guidelines designed by the Environmental Review Board to minimize and control such insults to the river and other environmental concerns with the County can make the difference between a clean, alive and viable waterway and a dead river devoid of aquatic life.

Ms. Hundley stated that one recommendation by the Environmental Review Board that will, when approved, make a large positive impact on saving Chatham waterways, particularly the Rocky River, is the ordinance for vegetative buffers along streams and rivers; that such buffers can filter sediment and other land-born pollutants, such as fertilizers and agricultural run-off, and absorb them before they make it to the water; that with nitrogen levels in the Rocky River higher than in either the Haw or Deep Rivers, buffers are needed to protect the river and decrease fertilizer chemicals to acceptable limits; that Chatham County needs the Environmental Review Board to assist the Board of Commissioners in controlling development within the County and the establishment of vegetative buffers to keep the waterways from being loaded with the refuse of that development; and that the Friends of the Rocky River urge the Board of Commissioners to approve both an environmental assessment and a river buffer ordinance.

Jesse Fearington, 724 Morris Road, Pittsboro, NC, stated that he wanted to make sure that all ambiguity is removed from the document; that all appropriate terms are defined; that run-off from roads cannot terminate in streams or riparian buffers may put a burden on smaller subdivisions; and that these regulations should be easy to understand and easy to manage.

The Chairman closed the public hearing.

BREAK

The Chairman called for a five-minute break.

Public Hearing to Amend Chatham County Subdivision Regulations: Public hearing to receive public comments on a request for a proposal by the Chatham County Board of Commissioners to amend Section 5.2 A of the Chatham County Subdivision Regulations to specify threshold criteria of when environmental assessments are required. The proposal requires assessments for all residential subdivisions of six or more lots. Assessments are also required of residential subdivisions of less than six lots and non-residential subdivisions if located within specified areas of the County.

Allison Weakley, Chair of the Environmental Review Board, presented a power point presentation entitled, "*Recommended Criteria for Determining Which Projects Require Environmental Assessments (EAs)*" as follows in its entirety:

ERB Members:

Allison Weakley (Chair) – Biologist
Elaine Chiosso (Vice-Chair) – Executive Director, Haw River Assembly
Michael Dunn (Secretary) – Educator and Naturalist, NC Museum of Natural Sciences
John Alderman - Aquatic Biologist
Tara Allden - Soil Scientist / Attorney
Connie Allred – Biologist
Raj Butalia - GIS analyst / Environmental Scientist
Dr Hal House - Environmental Scientist
Dr Sonny Keisler – Political Scientist / Developer
Dr Steve Wing - Environmental Epidemiologist

What is an Environmental Assessment (EA)?

An EA is a...

- Document that analyzes a proposed action for significant environmental impacts
- Decision-making tool
- The EA process is used to help identify potential environmental impacts of a project, and ultimately helps design projects with less impact by avoiding or mitigating those impacts.
- Identifying existing site features, such as topography (slope), soil characteristics and subsurface constraints, drainage patterns, vegetation, etc., and acknowledging potential impacts from a proposed project is an important step in avoiding and mitigating environmental impacts.

- To be most useful, an EA should be done early in the process, to aid in decision-making.

The role of the ERB in the County's EA process:

- Identify projects which need an EA using threshold criteria
- Provide peer review of EAs for consideration of BoC

Development activities covered by EA threshold criteria include:

- Commercial and industrial projects within zoned portions of the County (i.e., subject to Zoning Ordinance)
- Subdivision projects anywhere in the County (subject to Subdivision Ordinance)

Why should we use threshold criteria?

- To provide a clear understanding of when an EA is required (this benefits the County and its citizens, and benefits developers as it ultimately minimizes the effort and cost by helping plan for potential impacts upfront)
- To provide a uniform 'screening' tool

Threshold Criteria may be useful as a 'Screening Tool'...

- Many of the criteria can be displayed on a map using electronic data
- Much of this **electronic information is readily accessible** to county staff, developers, and citizens

In fact, the ERB has been working along with the Chatham Conservation Partnership to build a GIS database for use at the County level.

Our recommendations for EA Threshold Criteria are based on...

- Current Chatham County Subdivision and Zoning regulations
- Collective knowledge of and research by ERB members
- Public input (citizens, development community)
- County staff input (Erosion Control and Planning)
- State agency staff input
 - Soil and Water Conservation District
 - NC Natural Heritage Program
 - NC Wildlife Resources Commission
- State Environmental Policy Act (SEPA) guidelines (developed from NEPA, established more than 30 years ago)
- Orange County Environmental Impact Ordinance (EIO)

The minutes of ERB meetings fully document the development of these recommendations.

Many may not realize that a State statute allows the County to **require submission of a detailed environmental assessment for any proposed development of two acres or more**. Specifically, G.S. 113A-8 states that governing bodies may require private developers of major development projects to submit detailed statements (as defined by G.S. 113A-4(2)) of the impact of such projects for consideration by those governing bodies.

Pursuant to Chapter 113A of the NC General Statutes, our **current** Subdivision and Zoning regulations state that the EA should address:

- a. The **environmental impact of the proposed action**;
- b. Any **significant adverse environmental effects which cannot be avoided** should the proposal be implemented;
- c. **Mitigation measures** proposed to minimize the impact;
- d. **Alternatives** to the proposed action;
- e. The **relationship between the short-term uses** of the environment involved in the proposed action **and the maintenance and enhancement of long-term productivity**; and
- f. Any **irreversible and irretrievable environmental changes** which would be involved in the proposed action should it be implemented.

This State statute also requires that there be threshold criteria for requiring an EA, which was the focus of the ERB recommendations.

Our recommendation is that an Environmental Assessment (EA) be required for projects that meet one or more of the following:

1. Qualifies as a **Major Subdivision**.

Major Subdivisions are defined on page 12 of the Chatham County Subdivision Ordinance as those subdivisions of six (6) or more lots, or any size subdivision requiring any new street, or extension, or the creation of any public improvements.

The RATIONALE behind Major Subdivisions as a threshold criterion was that the size and complexity of a Major Subdivision (vs. a minor subdivision) is likely to have impacts which need assessment, interaction with and input from other agencies, self-regulation by the developer, and potential mitigation.

Currently Chatham County regulations lack sufficient standards for developments that require adequate environmental protection; standards are needed to minimize the impact of development on the environment, and need to be incorporated into our regulations. The Planning Board is currently working on revisions to our regulations to consider environmental impacts, but - in the meantime - we included all major subdivisions in our threshold criteria.

If stronger standards were incorporated into County ordinances the requirements for EAs on major subdivisions could perhaps be reduced.

In the meantime, the ERB recommends that a Major Subdivision should trigger an EA.

The ERB recommendations exempt Minor Subdivisions from EA requirements, as well as non-subdivision projects involving 2 acres or less (per G.S. 113-A which refers to projects 2 acres or more), UNLESS they meet one or more of the other threshold criteria.

Minor subdivisions are also defined on pg. 12 of the Subdivision Ordinance.

Example: a minor subdivision (5 lots with no road or extension of public improvements) proposed within the critical area of a watershed water supply may be required to submit an EA.

Other threshold criteria for projects requiring an Environmental Assessment (EA) include those projects that generate or produce hazardous or toxic waste, or treat, store, or dispose of such waste.

Projects that...

- Require various State or Federal environmental permits
For example:
Mining
Wastewater
404/401 (impacts to streams and wetlands)
- Require an EA or EIS (Environmental Impact Statement) at the federal or state level

Projects that are located within...

Critical areas for water supplies and River corridors

Both of which are currently defined in existing Chatham County ordinances.

These criteria also apply to projects that contain or are adjacent to...

Significant Natural Heritage Areas (SNHAs), as designated by the NC Natural Heritage Program.

SNHAs are areas of land or water identified by Heritage Program biologists as being important for the conservation of our State's biodiversity. These areas often contain the best examples of natural communities, and often include rare and endangered species.

These criteria also apply to projects that lie within...

- Subwatersheds that support aquatic species that are federally listed or listed as Federal Species of Concern.

For example, the Rocky River watershed supports the federally endangered Cape Fear shiner, a minnow endemic to the Cape Fear River basin - found nowhere else in the world. The red segments of rivers shown on this map indicate critical habitat for the Cape Fear shiner, *most of which resides in Chatham County*.

The threshold criteria also apply to projects that contain:

- Natural heritage element occurrences (or NHEOs)

NHEOs are elements of biodiversity that are tracked by the NC Natural Heritage Program (NHP), which includes rare and imperiled plant and animal species, and the highest quality remaining examples of natural plant communities, wildlife habitats, and ecosystems.

The NHP updates this information on a quarterly basis.

The criteria apply to projects that contain:

Significant cultural and/or historical sites

- historic structures
- archaeological sites
- cemeteries
- Etc.

And for projects that *disturb*...

Steep slopes of 15% or greater

OR

Slopes less than 15% but that have highly erodible soils (determined by the RUSLE k factor, an indicator of highly erodible soils available for Chatham County soils data)

Since our recommendations were presented last month to the Commissioners, a few issues have been identified, including that the threshold criteria:

- May be cumbersome to determine if criteria are met
- May have impact on small scale developer
- Some criteria may cover a large portion of the County

Some may perceive EAs as a cumbersome process but that is not at all the intent – the intent is to make it useful for everyone and to not be cumbersome. One of the ways that it is not cumbersome is that now there is so much electronic data available and that we are compiling these data for use at the county level.

As I mentioned previously, many of the criteria can be displayed on a map using electronic data that is published by State and Federal agencies and widely understood and accepted as being of value in planning. And much of this electronic information is readily accessible to county staff, developers, and citizens.

This type of screening ultimately minimized the effort and cost by helping to plan potential impacts upfront.

These criteria are meant to be a 'screening' tool; if criteria are met, further assessment will be from more site-specific study.

One of the issues raised since we made our recommendations in July 2007 is the impact they will have on small scale developers.

The ERB has discussed this issue, and in fact held a special meeting last week in which it was suggested that perhaps the number of acres or lots proposed for development be used instead of the Major and Minor Subdivision definitions in the Subdivision Ordinance – to create a “sliding scale.”

Currently, our recommendations require EAs for all Major Subdivisions, which are defined as those >6 lots, new road(s), and extension of County services (as defined in the Chatham Co. Subdivision Ordinance).

An alternative to the distinction of a Major vs. Minor Subdivision is to base the criterion on # lots or # acres (not the definitions of Major/Minor in the Subdivision Ordinance).

If a project is below that # lots or acres, an EA could still be necessary if other criteria are met.

And more information could be required for any criteria that are met, regardless of whether a full EA is required.

For example:

For Major Subdivisions of 25 units or less, and for all minor subdivisions...

- An EA is required only if other threshold criteria are met.
- More information can be required for any criterion that has been triggered, regardless of whether a full EA is needed.

The ultimate goal is to have both large and small scale developers know what their investment will need to be early in the process, and for the regulatory and therefore financial responsibility to be appropriate to both size of the project and its potential environmental impacts, regardless of size.

Another alternative criterion that has arisen since our recommendations and consultation of ERB members with Soil and Water Conservation District staff is that specific to slopes and soils.

This criterion may be revised to include those projects that disturb

- Slopes greater than or equal to 15 %

OR

- Slopes between 6% and 15% and a soil RUSLE K factor greater than 0.4.

Again, this criterion would only apply to those slopes and soils *disturbed*.

Gretchen Smith, 598 Jones Branch Road, Chapel Hill, NC, stated that she supports the Environmental Assessment (EA) thresholds for the Subdivision and Zoning Ordinances; that as she has said in the past, the time to stop a bad design is in the beginning; that Environmental Assessments should be an important part of evaluating a design; and that given the damage that has already occurred, the County needs stringent measures for preventing future negative impacts to environmental, historical, and cultural features. She thanked the Board for the opportunity to provide comments.

Mary Bastin, 22 Fearrington Post, Pittsboro, NC, stated that more people need to be involved in the discussion; that there are a whole lot of people that will be affected by this; and asked that the Board be open to receiving more input on which to base their decisions.

Catherine Deininger, 124 Goldberry, Pittsboro, NC, stated that she was speaking on behalf of the Haw River Assembly; that they support the Environmental Assessment thresholds recommended by the Environmental Review Board; that it will give the County planning tools that are much needed; that many of these lands that will be protected hold valuable resources that cannot be replaced; that they appreciate all the work of the ERB; that the Haw River Assembly is a nonprofit organization based in Chatham County whose mission is to protect all the waters of the Haw River basin; that they support the Environmental Assessment threshold recommendations presented by the Environmental Review Board; that the Environmental Assessments are a very valuable tool that enables planners, developers and interested citizens to look at possible impacts of proposed developments and make decisions accordingly; that they agree that new development proposals in Chatham will benefit from the use of the threshold criteria as a screening tool; that modern mapmaking technology and data programs give us planning tools undreamed of just a few years ago and we would be wise to use them; that proposals for major subdivisions and smaller developments that trigger the EA because they meet these threshold criteria, will be required to provide much better information about the overall impacts of the destruction that goes hand in hand with land clearing and grading; that this will result in much better decision making and planning in Chatham County as we strive to protect our natural resources; that the kind of information included in a good EA tells us about the most sensitive features on that piece of land – something we need because all land is not created equal; that some sites will have very special species of plants and animals – or support wildlife populations not seen elsewhere, some sites are close to public water supplies or lie within river corridor zones; that some places will contain or be adjacent to the last of Chatham's most significant and beautiful natural areas; that others will have remnants of history and archeology that once lost will never be seen again; that we need to take this kind of care as we develop the County; that we must see what we risk losing and use that information to design the best proposals we can; that we hope that this kind of information and better process we will help us all see the value of protecting what is most special here where we live; that we believe a good system can be set up in Chatham that balances the need for information with the size and impact of a development; that the Environmental Review Board has made some good recommendations to do so; and that they appreciate all the hard work of the ERB and Chatham County Board of Commissioners on this very important issue.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), stated that she would like to express appreciation to the Environmental Review Board for working so hard to develop these triggers for such an assessment; that they have attended many of these meetings and have seen the effort they've gone to develop a balanced proposal that would protect the environment and not pose unnecessary burdens on any developer; that as a result of tonight's hearing, they may still have additional work to do, but this proposal is a very good start; that over the past few years, they've seen increased development pressures in Chatham; that this increase in land disturbing activity, naturally threatens our total environment; that there is no reason to expect that development will stop, so it is wise and prudent for some system be established which will take pre-emptive action for a threatened environment; that an Environmental Assessment addresses critical environmental issues, it proposes and ultimately achieves, through appropriate mitigation measures, better protection of the precious environmental resources; that in the past, there have been technical problems with stream identifications, a gap in the laws protecting the wetlands, the destruction of wildlife habitats and the trampling of rare flora and fauna; that the ecosystem has been threatened; that this is not a desirable state for either the developers or the citizens of Chatham; that once these triggers are finalized, developers, citizens, environmentalists - all - will know exactly what is expected and the review of development applications will achieve a consistency throughout the County that will benefit the environment and everyone in Chatham County.

Jesse Fearrington, 724 Morris Road, Pittsboro, NC, stated that there are challenges for the small developer; that putting the umbrella of “anything that meets a major subdivision requirement” might turn out to be one lot subdivision that extends a public utility or extends a road; that he thinks there should be consideration made for the size of the development, the overall impact, and the environment; that if the development effort is isolated enough that it doesn’t impact the environment, whether it be two acres or two thousand acres, then an environmental impact should not be required; that if it does impact the environment, then it should be required; and that he thinks there should be some other definition other than a major subdivision triggering an environmental assessment impact.

The Chairman closed the public hearing.

Public Hearing to Amend Chatham County Zoning Ordinance: Public hearing to receive public comments on a request for a proposal by the Chatham County Board of Commissioners to amend Section 11.3 of the Chatham County Zoning Ordinance to specify threshold criteria of when environmental assessments are required. The proposal requires assessments for projects when located within specified areas of the County.

There was no one present who wished to make comments.

The Chairman closed the public hearing.

MANAGER’ S REPORTS

The County Manager had no reports.

COMMISSIONERS’ REPORTS

OWASA Meeting:

Commissioner Lucier stated that he had met with the Orange County Chair and Vice Chair and OWASA; that he learned that there was a joint regional water planning activity for Jordan Lake between OWASA (Chapel Hill, Orange County, Hillsborough, Durham and Cary); that he wondered why Chatham County had not been included; and that OWASA thought that would be a great idea.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to instruct the County Manager to draft a letter to the group stating that Chatham County wants to be a part of this. The motion carried five (5) to zero (0).

Environmental Management Committee:

Commissioner Lucier stated that comments needed to be submitted to the Environmental Management Committee by September 14, 2007; that this is in regard to the Jordan Lake Reservoir Nutrient Rules; that in February, 2007, and the Board of Commissioners adopted a resolution that was sent to EMC asking them to not delay the nitrogen rules until 2016 and asking them to implement them as originally planned in 2011.

Commissioner Lucier moved, seconded by Commissioner Barnes, to instruct the County Manager to draft a letter, consisting of his comments and those of the joint resolution submitted to the EMC, before the September 04, 2007 Board of Commissioners’ meeting at which time they could be approved and submitted to the EMC by the September 14, 2007 deadline. The motion carried five (5) to zero (0).

Land Banking Committee:

Commissioner Lucier stated that the Board had requested a Land Banking Committee be formed consisting of Tracy Burnett (Recreation Director), Kathie Russell (appointed by the Board of Education), and himself; that they have met one time; that there were some initial recommendations that have been made; that one recommendation was to try to acquire

and average one piece of property per year to be used for schools, parks, potential economic development or other activities where the County would need to put public buildings; that the second recommendation was to encourage donations of land from developers and other type properties; that they should mandate such from developers of subdivisions of certain size; that they also need to work with the Towns of Siler City and Pittsboro with regard to large subdivisions that would have a lot of students that would have to have schools built; that they need to work with the Board of Education to develop a common approach of joint property uses in that there might be a school and a recreation facility or a park on the same piece of land; that the last recommendation was to work with some local realtors to help the Board acquire property to let them know what they are doing, asking them to contact the Board if they think they have a piece of property that would meet their needs for potential school sites, etc.; that this is something that is extraordinarily important for the County; that if growth projections for the Chatham County turn out as predicted, there is going to have to be one school built per year for the next 15-20 years; that the Board needs to start acquiring property immediately. He asked the Board if they thought the Land Banking Committee was on track and if there were things that they were not doing that they would like to see them doing, and if those goals and recommendations should be pursued. He stated that the community college had expressed an interest and they should be part of the effort and that he suggests that the Economic Development President also be asked to participate.

Commissioner Vanderbeck thanked Commissioner Lucier for his comprehensive report and stated that he appreciated everyone's work efforts; that he thinks it is a great plan; that he would like to endorse the idea of the community college and the Economic Development Director becoming involved; that he would also like to hear from County staff regarding the financial impacts of a move like this and what their interpretation of what the Board needs to do. He stated that this was an ambitious and much needed recommendation and that he is in support of it.

Chairman Thompson stated that he thought it was a good idea to include someone from Board of Trustees from Central Carolina Community College and the Economic Development Corporation President. He asked if all Board members had received a letter from the Central Carolina Community College Board (CCCC) formally requesting that the Board include CCCC in any future sites, along with public schools, and recreation.

Violence Resolution:

Commissioner Vanderbeck stated that earlier in the evening, Commissioner Lucier had made a motion in light of what came out in the Public Input Session that they wanted to ask again that the Sheriff follow-up on the activities that happened; that they also encouraged the Human Resources Commission to take up this matter and get involved; that he has talked with some people while on break and he thinks it resonated with him in that he would like to add one more thing to the resolution, if the Board would agree to say in the resolution that the "Board condemns the activities" that were brought up at the night's meeting, that were cited in the Sheriff's report, and that the Board will not tolerate actions such as these in the County.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to add the additional language to the resolution. The motion carried five (5) to zero (0).

CLOSED SESSION

Commissioner Barnes moved, seconded by Commissioner Cross, to go out of Regular Session and convene in Closed Session for the purpose of discussing issues involving the case of Robert Murdock et al VS Chatham County, to discuss potential economic incentive issues, and the Case of HBP Properties VS Chatham County. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Barnes moved, seconded by Commissioner Lucier, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Cross, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:12 PM.

Carl Thompson, Sr., Chairman

ATTEST:

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