

Jason Sullivan

From: Jason Sullivan
Sent: Friday, May 11, 2018 3:16 PM
To: Allison Weakley (allison.weakley@gmail.com); Bill Arthur (warthur2@nc.rr.com); Brian Bock (brian.lex.bock@gmail.com); Caroline Siverson; Clyde Frazier (clyde.frazier@retiree.meredith.edu); Diana Hales; Emily Moose (emilylmoose@gmail.com); Gene Galin (ggalin@gmail.com); George Lucier; Jamie Hager (jamie@southern-energy.com); Jon Spoon (jmspoon5@gmail.com); tginpbo@gmail.com
Cc: Paula Phillips; Dylan Paul; Kimberly Tyson
Subject: FW: Planning Board Minority Report: May 1, 2018 Agenda Item VII-1 TEXT AMENDMENT

Board Members,

The minority report for the Subdivision Regulations text amendments that was discussed during the May 1 meeting is provided below. We'll include this as an attachment to the notes provided to the Commissioners and this item will be placed on their June 18 meeting agenda. Please let me know if you have any questions.

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From: Emily Moose [mailto:emilylmoose@gmail.com]
Sent: Thursday, May 10, 2018 10:00 PM
To: Jason Sullivan <jason.sullivan@chathamnc.org>
Cc: Caroline Siverson <cwsiverson@gmail.com>; George Lucier <glucier5@gmail.com>; Allison Schwarz Weakley <allison.weakley@gmail.com>
Subject: Planning Board Minority Report: May 1, 2018 Agenda Item VII-1 TEXT AMENDMENT

Dear Planning Director and Honorable Commissioners of Chatham County,

As you know, the Chatham County Planning Board Meeting met on May 1 to discuss, among other items, a list of proposed updates to the County's subdivision regulations to reflect recent legislative changes and staff recommendations (Agenda Item VIII-1 TEXT AMENDMENT). While most of the changes are minor and procedural in nature, others have significant impacts on the County and deserved careful deliberation. This item had originally appeared on our February 19 agenda and a decision was deferred twice due to concerns that two of the changes conflict with federal law and drastically reduce Chatham County's ability to act in the interest of its residents, namely:

- The elimination of the County's ability to request that Environmental Impact Assessments (EIAs) address secondary, indirect and cumulative impacts, which is inconsistent with federal NEPA law that allows for consideration of these impacts (40 CFR §§1500-1508)
- A change from 2 acres to 10 acres as the disturbance area that triggers an EIA

While the County Attorney's office has given the opinion that these changes cannot be challenged, as representatives of the public interest we see a responsibility to encourage you to investigate this matter further, and could therefore not support the motion to approve. Our County is one of the fastest-growing areas in the country, and if we have any hope of delivering our newly adopted Plan Chatham we must be able to consider new projects in context, cumulatively. Comprehensive EIA's are a vital source of information essential to good decision-making, and save the County and its volunteer board members time, resources and unintended consequences. Further, they appropriately place the responsibility on the applicant, rather than County staff or community members. By not being able to require information be submitted with an application that includes indirect, secondary, or cumulative impacts, we are limiting our local ability to make informed decisions. If these tools are removed from our deliberative procedures, we risk following outcomes:

- Reduced water quality
- Increased sprawl
- Ineffective implementation of Plan Chatham
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- This change in the subdivision ordinance to remove consideration of cumulative impacts will not allow Chatham County to address the important issue of adverse impacts of multiple developments along the same stream or river. For example, one or two developments along a stream may be acceptable but sedimentation, nitrogen and phosphorus from five or six developments will cause that stream to be impaired. It is wrong for us to not consider cumulative impacts in our decision process for new developments if we are serious about protecting those waterways.
- Jordan Lake is almost completely surrounded by Chatham County lands. It is our responsibility to protect the lake as a vital regional water source and recreational facility. By not allowing us to consider cumulative impacts on the lake and the waterways that empty into it we are abdicating our responsibility to protect the lake. Jordan Lake is already impaired and faces further impairment due to rapid growth in eastern Chatham and western Wake counties.

We therefore respectfully submit this minority report and urge you to seek a second opinion on this challenge to our right to self-governance. It is likely that this law will ultimately be challenged in court and it would be unfortunate if Chatham suffered damaged environmental quality as a result of adopting these changes too soon.

Sincerely,

Caroline Siverson, Chair
 George Lucier, Vice-Chair
 Allison Weakley, Member
 Emily Moose, Member