

Honorable Commissioners,

My name is Shelley Colbert; I'm a resident of Baldwin Township in Chatham County

I write to you concerning yet another North Chatham planning matter(s) for which you should require additional information, details, modifications and justification from the developer, as well as additional governmental scrutiny from the planning department, before any approval is considered.

I am speaking specifically to the Herndon/Riggsbee Farm proposals on the June 21, 2021 agenda; the two related proposals are, in some ways, microcosms of much broader issues facing government, developers, business models, existing and future residential subdivisions, infrastructure, and the greater Chatham County community and electorate.

As the last year has amply demonstrated, the pandemic accelerated and made manifest broad structural shifts that were already underway, moving commercial activity away from brick and mortar business models, including retail and professional services, to online and other virtual means of procuring and providing goods and services. Market oversaturation, especially in retail and certain other sectors, was laid bare by the pandemic, which hastened a record number of closures and bankruptcies.

Population growth no longer is adequate justification, nor can it be expected to sustain, old business models heavily reliant on retail and personal services increasingly unconstrained by the need to be physically co-located with local populations.

Also during the last year, "mixed use residential" became a redefined and highly personal concept as much of the workforce worked full-time from home, while people of all ages increased shopping and obtaining services online-- as many of my neighbors in Briar Chapel and surrounding Chatham communities will attest.

While none of us has a crystal ball, there is general consensus that the shifts accelerated during COVID but already well underway before the pandemic will require us as a society and a community to rethink how we implement planning models and policy, and manage growth and infrastructure.

I ask the board, and the planning department, to require better details and commitments in order to avoid the mistakes of the past. Too many developers are clinging to old models of residential development, as well as reliance on traditional commercial assumptions that are inexorably heading toward obsolescence. Riggsbee/Herndon strikes me as one of them. I will paraphrase aspects of "five findings" below, where I believe the Riggsbee/Herndon proposals fall short in their details, analysis or conditions.

**1. The use requested is among those listed as an eligible use in the district in which the subject property is located or is to be located.**

I am genuinely puzzled by the need to rezone one acre to light industrial for wastewater treatment given the scope of the proposed residential development, except for the ambiguous references to make excess capacity available to unspecified neighboring developments. The conclusion many of us are drawing is that this is a back door, inchoate bid to put a regional wastewater treatment plant on the site without full disclosure, presentation or analysis of all relevant facts, concerns, and potential negative residential and commercial impacts to existing neighborhoods and businesses.

As the local advocacy group “Stop Chatham North” noted in its communication on June 18, 2021,

**“Our main concern with this proposal is with the Light Industrial Rezoning and the location of the WWTP.** If this area is rezoned Light Industrial, this will allow the WWTP to be a “public utility facility serving regional areas”. Herndon Farms requires 90,000 gpd in wastewater capacity, but according to Jason Sullivan (Director of CC Planning Dept), “since the wastewater treatment plant area is a general use light industrial rezoning there is no limit on the treatment capacity of the plant.” In short, this would give Herndon Farms the first step in gaining approval of a regional WWTP located near The Veranda and just north of Briar Chapel walking trails.”

I share that concern, because Chatham County absolutely cannot afford to repeat the planning errors, substandard infrastructure and environmental damages associated with prior approvals for Briar Chapel, as witnessed and suffered by residents in Baldwin township.

**2. The requested use...or revision... is either essential or desirable for the public convenience or welfare.**

Two broad concerns, and I urge the commissioners and the planning department to explore them more fully, may be summarized as follows:

- a. What wastewater treatment infrastructure is desirable and essential to support and manage commercial and residential growth, especially in North Chatham? In Briar Chapel, we have already seen the disastrous results of ongoing wastewater failures and sewage spills. poor developer planning and even worse infrastructure management. The rezoning application, as it is currently presented, doesn't come close to answering affirmatively that their wastewater proposal is either essential or desirable.
- b. The other proposed use, senior housing, as a desirable or essential means to save retail sales in Chatham, is unconvincing due to ongoing-- and foreseeable-- structural shifts-- and limited public transportation, which the developer does not mention. The over-55 cohort has been a fast-growing demographic segment for home delivery of goods and services, in fact. Moreover, the developer admits that “The light industrial zoning and

wastewater treatment facility will not it itself have much of an effect on employment or other material economic impacts. However, the facility obviously enables the development of Herndon Farms and may support other commercial operations” without actually specifying what related commercial operations may be supported, whether they are essential or desirable, and whether or not they would negatively impact the integrity or character of adjoining areas, residents and businesses.

**3. The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.**

The wastewater treatment rezoning lacks adequate details to be able to answer this concern, not only in terms of health and safety, but potential additional land use(s) and spray fields, environmental concerns for surrounding creeks and water quality, or the constraints that it may place on recreation, such as walking trails or the location of impervious surfaces.

**4. The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.**

Much has been said concerning preservation of the rural character of Chatham, but the manner in which the site is planned doesn't particularly do that since it bifurcates the acreage, squeezing all residential development onto the east side of 15-501 and turning the west side into a wastewater treatment plant and spray field. Buffer waivers are of particular concern, and I urge the commissioners to scrutinize the need for any such waivers- they incrementally and collectively undermine planning principles affecting residential and commercial developments the 15-501 corridor and surrounding communities.

**5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.**

Among the shortcoming for this development, in addition to wastewater utilities, are the lack of facilities, recreation and open space appropriate and accessible for an age-restricted community of this size, especially as recreation and open space may be impacted by the location of wastewater treatment facilities and spray fields.

The developer stated, with no details, that trails would link to the Briar Chapel trail system if the BC HOA approved them. First, to my knowledge, the developer did not contact the homeowners' association concerning such a proposal before submitting the application to the county. Second, it's not the responsibility of any adjacent property owners to assume the developer's burden for providing recreation. (In fact, such trails may not be possible at all with spray fields; as an example, NCDEQ recently informed Briar Chapel that the permit modifications for the expanded wastewater treatment facility in the community will not allow trails through western open space being added for spray irrigation.

----- Original Message -----

Subject: Public Hearing 3

Date: 2021-06-17 07:30

From: Andrew Haight <[ach57@mac.com](mailto:ach57@mac.com)>

To: [bocclerk@chathameoc.com](mailto:bocclerk@chathameoc.com)

I hereby object to the rezoning request by Herndon Farms One LLC.

My property is adjacent to the proposed development.

The zoning request, if approved, would directly affect my property value in a very negative way.

The zoning request, if approved, would also directly affect the quality of life for me and my family in a very negative way.

I will oppose this zoning request with all the might and vigor I can muster.

Andrew C. Haight  
104 Hidden Oaks Dr.  
Chapel Hill, NC. 27517

My name is Liz Rolison and I live in Briar Chapel and am speaking on behalf of StopChathamNorth, an incorporated nonprofit representing homeowners within Briar Chapel. We are voicing opposition to the current proposal for Herndon Farms to rezone the planned Herndon Farms WWTP property to Light Industrial.

**Our main concern with this proposal is with the Light Industrial Rezoning and the location of the WWTP.**

According to the Zoning Ordinance, a zoning classification of Light Industrial permits use for major utilities which are defined as public utility facilities serving regional areas. According to this proposal Herndon Farms plans to initially build a 90,000 gpd WWTP, but if the area is rezoned general use light industrial there is no limit on the treatment capacity of the plant. In short, this would give Herndon Farms the first step in gaining approval for a regional WWTP. We understand that initially Herndon Farms is planning to service Dogwood Veterinary, but with this rezoning the door is opened to potentially extend service to 501 Landing, Williams Corner, Vickers Village and other development along 15/501.

The proposed location of the WWTP is sandwiched within a thin strip between the Oak Island community and Briar Chapel. The map included with the proposal shows the area as being located just north of the Duke Energy power easement near Briar Chapel's Veranda and public walking trails. I think most of us would agree that locating a regional WWTP within 500-700 feet of outdoor dining is likely to cause problems. A regional WWTP is needed in NE Chatham

County, but it needs to be located in a carefully chosen area that minimizes the impact on surrounding property.

Chatham County's current strategy for wastewater puts the responsibility on developers to provide their own wastewater solutions in lieu of a municipal or county-wide plan. This results in a piecemeal of smaller, privately owned wastewater systems located within residential communities and near other existing residential and commercial properties without the benefit of long-term planning or economies of scale.

As a result, NE Chatham County now has 10 privately owned WWTP and like Briar Chapel's WW system, each has its own unique problems. Several of these systems are failing to meet nutrient treatment requirements for discharge into creeks that feed into Lake Jordan, two are at or near maximum capacity and several others are approaching end of life and will need to be replaced. In addition, many subdivisions are using older septic systems that are approaching end of life. There is a significant amount of development getting ready to be proposed along 15/501. Whether your position is slow growth, smart growth or pro-growth, NE Chatham County needs a long term, sustainable plan for wastewater; otherwise, we will have numerous WW problems across NE Chatham County as we have experienced in Briar Chapel.

We encourage Chatham County to take a leadership role in initiating a Study Commission bringing together experts from the public and private sector to assess the wastewater situation in NE Chatham County and make recommendations for a sustainable, long term strategy.

----- Original Message -----

Subject: Opposed to Proposed rezoning for a Compact Community located on the east and west sides of 15/501 adjacent to Briar Chapel

Date: 2021-06-18 06:38

From: "Roy Baker" <[BakerRL@bellsouth.net](mailto:BakerRL@bellsouth.net)>

To: <[bocclerk@chathameoc.com](mailto:bocclerk@chathameoc.com)>

My name is Roy Baker and I live at 540 Oak Island. My home is not directly adjacent to the proposed Herndon Farms neighborhood, but our access road is along the subject property and my neighbors will be impacted by any new development on these parcels.

The residents of Oak Island are opposed to any such Sewage Treatment Plant due to the very real possibility of foul smells and also the spray field run off that would affect the pond in the Oak Island Subdivision.

I encourage the Planning Board and the Board of Commissioners not to permit the up zoning of this parcel to light industrial.

Sincerely,

Roy Baker 540 Oak Island, Chapel Hill (Chatham County)

----- Original Message -----

Subject: Please stop Herndon Farms Rezoning Request

Date: 2021-06-20 05:28

From: Liz Kawabata <[lizkawabata@gmail.com](mailto:lizkawabata@gmail.com)>

To: [bocclerk@chathameoc.com](mailto:bocclerk@chathameoc.com)

Chatham County Commissioners:

Herndon Farms compact community request includes a 1-acre area that they are requesting to be rezoned for Light Industrial which will allow a regional WWTP that can be used by Herndon Farms and other surrounding property. This WWTP will use spray irrigation for discharge of the reclaimed water on both the west and east properties. The proposed WWTP is located off Oak Island Road, near the power easement not far from the Veranda and Briar Chapel's bike skills area and walking trails.

My main concern with the Herndon Farms proposal is with the Light Industrial Rezoning and the location of the WWTP. If this area is rezoned Light Industrial, this will allow the WWTP to be a "public utility facility serving regional areas". Herndon Farms requires 90,000 gpd in wastewater capacity, but according to Jason Sullivan (Director of CC Planning Dept), "since the wastewater treatment plant area is a general use light industrial rezoning there is no limit on the treatment capacity of the plant." In short, this would give Herndon Farms the first step in gaining approval of a regional WWTP located near The Veranda and just north of Briar Chapel walking trails.

Please withhold approval until a more comprehensive approach to WWT in Chatham County can be studied to ensure environmental and quality of life protection. We need a WWTP plan with strict guidelines for the increasing development of Chatham County.

Thank you for your consideration,  
Elizabeth Kawabata

-----Original Message-----

From: [bocclerk@chathameoc.com](mailto:bocclerk@chathameoc.com) <[bocclerk@chathameoc.com](mailto:bocclerk@chathameoc.com)>

Sent: Monday, June 21, 2021 9:31 AM

To: Lindsay Ray <[lindsay.ray@chathamcountync.gov](mailto:lindsay.ray@chathamcountync.gov)>

Subject: Fwd:

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----- Original Message -----

Subject:

Date: 2021-06-20 10:21

From: Marion Haywood <[marion.haywood@gmail.com](mailto:marion.haywood@gmail.com)>

To: [bocclerk@chathameoc.com](mailto:bocclerk@chathameoc.com)

Jason Sullivan, Planning Director

Chatham County Planning Department  
80-A East St – Dunlap Building  
Pittsboro, NC 27312

June 20, 2021

My name is Marion Haywood & I live at 501 Oak Island Dr, Chapel Hill, NC 27516. I am a long -time (40+ years) resident and property owner of a land parcel that will be affected by the Herndon Farms One, LLC development and rezoning request. Due to illness in my family, I am not able to attend the public hearing in person but I am voicing several concerns here for your consideration.

1. The area potentially rezoned, presumably for the purpose of building a sewage management system for Herndon Farms, is in direct contact with my property. Concerns are

(a) about the access to this system for maintenance – will it be from Oak Island? Through my &/or my neighbors' property? Require more road building?

(b) What happens to the surrounding property when (not if) there are malfunctions & overflows with the system? What damage will be caused to the already disturbed ecosystem? Will flora & fauna be destroyed & displaced?

2. Development (of some form) will take place on both sides of Highway 15-501. How will crossing the highway be managed? Are there to be, as reported, farm animals involved with this community with movement between the east & west sides of the highway?

Wildlife especially will be impacted by the loss of habitat to the east, causing them to move west and be more vulnerable to slaughter on the highway as well as being a danger to the motorists travelling along this section.

3. Increased traffic congestion, with stops, starts and turns will be a problem. Residents of Oak Island are already having difficulty squeezing into the stream of traffic heading south, then moving to the far-left lane to make a U-turn in order to go north. Most of the time this involves stopping and waiting at the Briar Chapel stoplight. More traffic passing through this intersection will make turning more difficult & dangerous. Also of concern is the amount of construction traffic that will influence, impede and disrupt the flow of traffic at the entrance to Oak Island.

I would appreciate you taking these concerns under consideration when you deliberate taking action on the Herndon Farms proposal and the request to rezone this property to light industrial.

Respectfully submitted,

Marion Haywood  
501 Oak Island Dr.  
Chapel Hill, Nc 27516 [marion.haywood@gmail.com](mailto:marion.haywood@gmail.com)

**From:** Lynn Hayes <[lynnhayes@gmail.com](mailto:lynnhayes@gmail.com)>  
**Sent:** Friday, June 18, 2021 9:02 AM  
**To:** Lindsay Ray <[lindsay.ray@chathamcountync.gov](mailto:lindsay.ray@chathamcountync.gov)>  
**Cc:** Angela Plummer <[angela.plummer@chathamcountync.gov](mailto:angela.plummer@chathamcountync.gov)>  
**Subject:** Information for Herndon Farms public hearing

**WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

My name is Lynn Hayes and I live at 612 Oak Island. My home is not directly adjacent to the proposed Herndon Farms neighborhood, but our access road is along the subject property and my neighbors will be impacted by any new development on these parcels.

Twenty years ago we watched as our rural area was forever transformed by the Compact Community Ordinance which brought high density development to our rural landscape. The stated purpose of this ordinance is to "Protect Chatham County's rural character by adequately buffering compact communities from neighboring properties and roadways." This ordinance as you know was enacted in order to facilitate the development of what is now known as Briar Chapel.

The Comprehensive Land Use plan as imagined by the Board of Commissioners in 2017 places the burden of commercial and high density development on those of us who have made northern Chatham County our home. This kind of development requires wastewater treatment plant, and the need for a regional wastewater treatment plant has been widely discussed by would-be developers of properties in this area. Development proposals at Williams Corner and similar neighborhoods depend upon such a regional wastewater treatment plant in order to accommodate the desired densities.

My concern about Herndon Farms is primarily over the up zoning of the one-acre parcel to light industrial from residential. Given the fact that the developer has not given any reason or use that would explain this upzoning, we can only infer that the intent is to provide wastewater treatment to neighboring properties as stated in the application. Although the application calls for extending wastewater treatment only to the Dogwood Veterinary Clinic, once the plant is installed with modern methods of wastewater treatment the capacity could easily be increased.

Larger communities than this one including Governors Club, Westfall and Legend Oaks all have wastewater treatment plants on parcels zoned R1. Once this parcel is upzoned, it opens the door for other similar parcels to be upzoned and if a regional wastewater plant is not permitted on this parcel it could be in another residential area.

I encourage the Planning Board and the Board of Commissioners to tread very carefully in this area but most especially not to permit the upzoning of this parcel to light industrial.

Sincerely,  
Lynn Hayes  
612 Oak Island, Chapel Hill (Chatham County)



-----Original Message-----

From: Kapettiss <[kapettiss@gmail.com](mailto:kapettiss@gmail.com)>

Sent: Monday, June 21, 2021 12:41 PM

To: Lindsay Ray <[lindsay.ray@chathamcountync.gov](mailto:lindsay.ray@chathamcountync.gov)>

Subject: 21-3909 and 21-3910 June 21 Agenda for Board of Commissioners

WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Katherine Pettiss and I live at 348 Oak Island directly adjacent to the proposed Herndon Farms development.

In the Compact Community application, Herndon Farms indicates that only the veterinary office will be contributing to the wastewater treatment plant, however in the application for rezoning the one acre to light industrial, they seem to indicate (page 2, 3b of Five Findings) that the plant is one the west side of 15-501 so that our neighborhood can participate. There have been no discussions with us about using the plant, initial or ongoing costs, advantages or disadvantages.

Several questions to consider - what is the capacity of the plant? What are the ramifications of an underutilized plant? Is there enough capacity for the plant to function effectively?

If the purpose of this plant is to service the compact community and the veterinary office and to serve as irrigation for the compact community, does having the plant across a four lane highway make any sense?

The treatment plant itself has undergone several changes from the original AquaFast system to the current Ovivo system to the future "best available at the time" (who will determine this?). At the time of the original neighborhood meeting on March 7, 2019, many questions were raised about odor, noise, overflow, capacity, spray fields, holding ponds, and weatherproofing. The only answer we received at the time ("no odor") was insufficient then and now.

Other questions that should be addressed:

Exhibit E.1.2 shows a wildlife and pedestrian culvert - how will this be lighted and what safety precautions are being considered?

Traffic study: The U-turn lanes at Poplar and Lystra are already quite dangerous. What impact will additional traffic have on these intersections?

Finally, what other uses are permitted within a light industrial zone? Will granting this rezoning make it easier for a future applicant to rezone more of the neighborhood? Is this rezoning really necessary?

At this time there are many outstanding issues for the Planning Board and the Board of Commissioners to consider with both these applications. I respectfully request that you all deny this rezoning application.

Sincerely,  
Katherine Pettiss  
348 Oak Island

Hello,

My name is Katie Jiang. I am a resident of 348 Oak Island, an adjacent property to the land proposed for waste water treatment for the Herndon Farms Compact Community. I am greatly concerned with the serious impact the proposed light industrial rezoning and wastewater treatment plan will have on our community and Chatham County.

This plan will have a serious impact on the visual character and feel of Chatham County. In the "Visual Impact and Screening" section in the "Five Findings" document it states "the facility will not be easily visible from any public road." The wording is both misleading, dismissive, and patently false. First, the exploratory changes by the company are in fact already visible from the public roads of 15-501 and Briar Chapel Parkway; and that is before the extensive work of the proposed 1-acre facility and its industrial fencing is installed. But beyond obvious visibility to public roads, the area planned for wastewater treatment runs right along an extensive network of popular biking and walking trails. Anyone on these heavily-used biking and walking trails will look straight at the wastewater fields in addition to the treatment facility. Additionally, customers of popular restaurants like Town Hall Grill, O'Ya Cantina, and Breakaway Cafe will look out at a brief span of trees, the power line easement with its network of trails...and then be looking straight at wastewater fields instead of a peaceful view of forest. This is not the character Chatham County wants to project. Finally, the facility and its fencing will be clearly visible to all occupants of its access road, Oak Island, as it is at the entrance to our neighborhood. Driving past a large industrial fence - even if shielded by a thin line of trees - will be damaging to the land value of all residents of Oak Island as it directly contradicts the rural feel of the neighborhood. It is ludicrous to claim that the rural character of Chatham County will not be affected if the wastewater treatment area in general and the 1-acre treatment facility specifically is put in as proposed.

In addition to this main concern, in general I find that the application and "Five Findings" documents as filed are extremely vague and raise great concerns about how the owners will be held accountable for their assertions that traffic, noise, and odor will not be a concern. There is little to no rationale or proof, and since the original meeting in March 2019 we have not been given adequate responses to these questions.

Thank you very much for your time and commitment to our county. Please consider denying the requests for the Herndon Farms WasteWater Treatment Facility so we can preserve the character of Chatham County for current and future residents and visitors.

Best regards,  
Katie Jiang

#### Testimony at the CCC Board Mtg June 21, 2021

My name is Terri Burrell and I live in Briar Chapel (BC). Mine is one of over 500 homes that is situated within a ½ mile radius of our community's wastewater treatment plant (WWTP) and is directly impacted by plant operations. I can personally attest to the ill effects and damages caused by the plant. It has been an ongoing task to get people to listen to and understand the problems my neighbors and I have been experiencing in our day to day lives by living so close to the plant. So, I appreciate the opportunity to reiterate these issues tonight.

Until recently, I was not aware that the proposed Herndon Farms (HF) wastewater plant would be located on the BC side of 15-501. Having yet another sewage processing system being built near BC and within 1000 ft of the outdoor dining centers at the Verandah is problematic. I believe the proposed rezoning of this plant to "Light Industrial" would be even more detrimental as this designation will most likely enable the plant to become a regional facility. BC will then be boxed in between 2 large sewage systems and the odors alone will saturate our community. A similar regional facility in Durham County is located on HWY 55 and the 1000+ residents of Audubon Park located 1.3 miles away are constantly complaining about the foul sewage smells.

Another potential negative impact of having 2 closely situated sewage systems concerns our home values. The recent tax assessment of my own home has decreased by \$100,000 from its original appraisal price in 2018 and per my discussion with the Chatham County tax evaluator, that decrease was the direct result of the location of the BC sewage treatment plant. While I understand the tax evaluation of a home is different from the potential sales price, savvy buyers will look at the tax values before negotiating with the seller for the purchase of that home. What's to say others in BC won't also be negatively affected with the addition of the proposed HF WWTP and rezoning.

Because Chatham County has put the responsibility on individual developers to build privately owned waste systems rather than provide a more centralized approach, the creation of future businesses and neighborhoods along 15-501 will put this main thoroughfare at risk for becoming a virtual sewage pipeline. I implore the Commissioners to develop an overarching strategy for the placement and zoning of future sewage systems and in doing so consider the health and welfare of county residents as a priority in their decision making. It's the people who live here now and who will move here in the future who will make the county thrive and we should not be negatively impacted, personally or financially, as a result of WWTPs located in or near our neighborhoods.

**From:** Nicholas Gower <[nicholasgower@gmail.com](mailto:nicholasgower@gmail.com)>

**Sent:** Monday, June 21, 2021 4:56 PM

**To:** Lindsay Ray <[lindsay.ray@chathamcountync.gov](mailto:lindsay.ray@chathamcountync.gov)>; [dan.gerrett@chathamcountync.gov](mailto:dan.gerrett@chathamcountync.gov); Angela Plummer <[angela.plummer@chathamcountync.gov](mailto:angela.plummer@chathamcountync.gov)>

**Subject:** Public Comment (Meeting 6/21) - Proposed Rezoning

**WARNING: This message originated from outside the Chatham County email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Ms. Lindsay Ray, Ms. Angela Plummer, and Mr. Dan Garrett,

Thank you for managing this request for public input. I would like to share my comments on the proposed rezoning of Herndon Farms to light industrial.

My wife, 2 yr old daughter, and I recently moved back to this area, and one of the main attractions to us was the wild nature of this area. This proposal puts that wild nature at risk. It seems very naive to believe that a WWTP serving such a small clientele would not expand. It would likely need to expand its service to remain economically sustainable. As it stands, small WWTPs appear very inefficient. If a new WWTP is in fact needed, then please consider building a more efficient larger one closer to future large developments that are putting this added strain on the WWT system. Most of the residents that would be impacted by this development are not even utilizing WWT services and have on site septic. We understand that development in Chatham County will continue, but preserving the wild nature of this area preserves its value. As new resources are needed, please consider building them into forthcoming communities in a fair and equitable fashion.

Thank you,  
Nick & Diana Gower

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Same Team  
[www.SAMETEAM.org](http://www.SAMETEAM.org)

June 21, 2021

Chatham County Board of Commissioners and Planning Board

Re: Herndon Farms Light Industrial Rezoning Application

My name is Ed Pettiss. I live at 348 Oak Island, making me a land owner adjacent to the property proposed for waste water treatment supporting the Herndon Farms Compact Community. I would like to comment specifically on the Herndon Farms request for rezoning one acre from residential to light industrial, in order to build a Waste Water Treatment Facility (WWTP) serving as-yet-unnamed "additional surrounding commercial space".

In essence, this application claims that the WWTP is needed to preserve the rural character of the County and will have no impact on adjacent land values. The application provides little specific support for these claims and is materially deficient on specifics. For example, it describes its approach to key factors like noise and CBR agents but is not responsive to application requirements specifying noise levels; types, amounts, and disposal of waste; and potential for emissions and discharges of pollutants. No mention was made of any wastewater upset ponds, whether they will be fully located inside the rezoned area, or how upset pond odors will be prevented from drifting onto neighboring properties. What excess treatment capacity will be built into the proposed WWTP, will

this additional treated wastewater be irrigated into the Herndon Farms property or sent back to originating properties, and what impact will this additional capacity have on neighboring well water and the local pond that feeds into Pokeberry Creek?

Without this critical information for public review, we are reduced to asking two central questions:

- If this rezoning request is granted, how will Herndon Farms and any successors be held accountable for design and operation of this facility in a way that ensures compliance and mitigates any variances when they occur?
- To what extent would granting this request encourage, allow, or require subsequent development with adverse consequences to local communities?

### Accountability

Ensuring adherence to the vague assurances provided in this application will first require specific information on the expected standards related to noise, odor, environmental impact, etc. Without clear expectations the community can have no confidence that this facility will be designed, built, and operated to have minimal impact on our community. The lack of specifics and outreach to the affected community raises concerns about whether the managing partners have the experience and capability to implement this project as stated.

Once in operation, the flow of effluent from the Compact Community and other unnamed sources will be continuous and uninterrupted. What measures will be put in place to maintain operational integrity and ensure compliance by managing partners and operators?

- What are the most likely unplanned but foreseeable events and what actionable contingency plans will be required to mitigate their impact? These should at minimum include equipment failure, material shortages, and external factors leading to facility shutdowns, effluent discharges, odor issues, rising insect infestations, etc.
- What recourse will the affected community members have when any performance standard is not met?
- Will adequate sources of funding be contractually obligated or escrowed for future facility maintenance and operation in the event of financial hardship or bankruptcy of the managing organizations?

*Before proceeding with any decisions on this application, I respectfully request that Herndon Farms be required to enter into the public record...*

- 1) *specific standards on all performance metrics that are critical to safe and unobtrusive operation, and*
- 2) *their approach to ensure operational reliability, resolve community concerns, and provide adequate funding for future operation.*

#### Future Development

Even if the WWTF is operated in accordance with the claims in the application, the purpose and need for rezoning to light industrial is not clear or compelling. The presumed benefits are unsubstantiated. Beyond a single property adjacent to the proposed Compact Community, the size and demand for additional treatment capacity is not justified and potential generators of effluent to be treated are unnamed. To be viable as a commercial WWTP, will rezoning this single acre encourage or necessitate future rezoning requests from residential to commercial use? Will future development further negatively impact the rural character, value, and enjoyment of existing neighboring properties?

*I respectfully request that...*

- 1) *this rezoning decision be considered on the future downstream impacts that it will enable, rather than solely on the basis of the immediate impact of the identified one acre, and*
- 2) *an analysis be performed that identifies potential treatment sources to the WWTF, quantifies the likely treatment capacities needed, and characterizes the future impact and need for rezoning variances.*

Due to the lack of essential information provided, I am opposed to this light industrial rezoning until all appropriate response and analysis is submitted and considered. Otherwise, approval will demonstrate that the goal of protecting the rural character of Chatham County will be achieved only by sacrificing the rural character of the surrounding local community.

Sincerely,

Ed Pettiss  
348 Oak Island, Chapel Hill (Chatham County)