

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
RECESSED REGULAR MEETING
MAY 22, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in a recessed regular meeting in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:30 PM on May 22, 2007.

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

CALL TO ORDER

The meeting was called to order by the Chairman at 6:34 PM. The Chairman explained that the night’s meeting was a recessed regular meeting continued from the Board of Commissioners’ meeting of May 21, 2007 on the question of whether to implement a moratorium. He stated that the proposed moratorium will not apply to any sketch or preliminary plans that were submitted prior to May 7th; that it would apply to anything submitted thereafter; and that speaker’s comments will be limited to five minutes each.

MORATORIUM

Public Hearing on Moratorium: Public hearing to receive public comments on the question of whether a moratorium, not to exceed twelve (12) months in duration, on development in Chatham County should be adopted to provide the County an opportunity to rewrite and update its land use ordinances to address problems caused by rapid development and growth.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, Executive Director of the NC Smart Growth Alliance, stated that actions speak louder than words; that when their descendents look back on what occurred in this time, what they say at the night’s meeting will be little remembered; that when the Board passes the residential development moratorium, their actions will never be forgotten; that this will not be just because this moratorium is an important step toward carrying out principles Board members were all elected upon such as environmental and fiscal stewardship, planned, equitable and smart growth; and promotion of sustainable economic development; that, more importantly, it will be because the Board has fulfilled by their action the promise of what the citizens who supported them have sought for the past four years: “a government of the people, by the people, for the people.”; that during the past two elections, an overwhelming majority of the voters in Chatham County have underscored these principles; that they elected Board members because they believed they are committed to planned and sustainable development; that if democracy is about anything, it is about elected public servants living up to their campaign promises; that the night’s meeting, is another example where the Board, our County Commissioners are living up to their commitment to true government by the citizens.

He stated that in 2001, The Governor’s Commission on Smart Growth, Growth Management and Development, co-chaired by two distinguished Chatham County state legislators, Representative Joe Hackney (now our Speaker of the House) and then Senator Howard Lee (now chair of the State Board of Education), made the following finding of core principles:

- Citizens and government should articulate the sort of growth they want rather than leave choices to chance
- Growth can be managed while being encouraged
- Smart growth is preferable because it makes efficient use of public resources such as infrastructure, taxes and the environment
- Public participation and property rights are key elements of growth management

He stated that the same year, Chatham County Commissioners unanimously approved the County's Land Conservation and Development Plan; that that plan clearly carried out the "smart and sustainable growth" concepts proposed by the Governor's Smart Growth Commission; that it specifically called for balanced growth where the benefits and burdens would be shared, natural resources and rural character would be protected and promoted, and development would be guided to suitable locations and designed appropriately; that unfortunately, the land use map referred to in the plan was never adopted, nor were most of the land use tools required to carry out this vision; that since 2001, the County has increased its population by 25% and the County has approved somewhere between 12,000 and 15,000 new residential units; that the most recent Cost of Community Services report from NC State shows that the County continues to spend more of its tax revenues for services to residential developments than it collects from those developments; that since the new majority has come into office, in December, the entire Board has worked together diligently in setting up subcommittees of the Planning Board, various task forces and advisory boards to develop tools called for in the Land Use Plan and needed for planned growth; that it has become clear that the County does not have the financial, personnel or volunteer resources to develop those planning tools while spending an enormous amount of time reviewing a flood of development requests; that it is clear that there is no practical alternative to achieving the sustainable growth planning principles of the Land Use Plan without enacting this moratorium to give the breathing room required to properly plan for the future; that moreover, this will not negatively impact economic development; that the Governor's Smart Growth Commission found that enacting smart growth policies will enhance economic development; that while there are many critical sustainable development tools that the County may not be able to complete during the moratorium period, the tasks the Board have set forth to complete are practical and achievable: Land Use Plan update and map development; subdivision and zoning ordinance revisions; affordable housing plan; environmental impact statement triggers and stream buffers; zoning the major corridors and developing a major corridor ordinance plan and map; and revising the public hearing and review processes; that the majority of Chatham residents welcome the Board's anticipated action in approving this much needed moratorium ordinance, because actions do speak louder than words; and that in taking this action, the Board will have again proven that in Chatham, citizens now have "a government of the people, by the people, for the people."

Simon Smith, 598 Jones Branch Road, Chapel Hill, NC, stated that he and his wife have lived on Jones Branch road for twelve years; that he urges approval of the moratorium; that he has been active in speaking out against Lystra Gardens; that he has attended meetings of the Planning Board and they are overwhelmed; and that time is needed for the County to review and improve all the documents governing development; and that he feels that a one-year moratorium will give the County that much needed time.

Gretchen Smith, 598 Jones Branch Road, Chapel Hill, NC, stated that due to her experience with the subdivision process over the past year, she is in favor of a moratorium for one-year for the following reasons: 1) Chatham County needs time to conduct a thorough review of County ordinances and the subdivision process in order to make needed revisions and create clear links to the Land Conservation and Development Plan; that County ordinances should be unified in strategy and language, but currently they seem disjointed; that for example, the Subdivision Ordinance should have a waiting period similar to the Zoning Ordinance before resubmission of a new application for the same property after denial by the Board of Commissioners; 2) Objective standards and measurements need to be created or enhanced to help guide the subdivision process from beginning to end; that she has watched the Planning Board and Commissioners struggle to do the right thing with ambiguous and confusing language; that she would urge the Commissioners to stick to the revision to the Moratorium Ordinance approved in January that deletes sketch design from the list of exemptions to a moratorium; and that sketch design applications should not be exempt from a moratorium, particularly if they have not yet been approved.

Mickey East, 77228 Stedman, Chapel Hill, NC, Vice President of the Chatham Conservative Voice, stated that his major concern is that he does not favor the moratorium because it sends the wrong message; that it says the Board of Commissioners' cannot handle development; that it will be difficult to do economic development; that this argument is appropriate in a crisis situation but this is not a crisis; that the Board of Commissioners' shouldn't be surprised six months into their term; that he questioned why the County cannot have business as usual; that this is a last resort; that the people can still talk and have

constructive discussions; that the moratorium is the short term problem; that the long term problem is the eight ordinances in place that increase the government's ability to tell property owners what to do with their property; that more discussion about development is needed in Chatham County; and that government does not need to be shut down.

Frank Thomas, 20 West Colony Place, Suite 110, Durham, NC, President of the Homebuilders Association, stated that the passing of this ordinance is an inevitability; that this will hurt economic development efforts; that this will not send a good message; that this will not help affordable housing; that costs will be passed onto buyers; and that this does not meet the legal requirements.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, stated that Chatham Citizens for Effective Communities (CCEC) strongly supports the moratorium on residential development of over twenty-five units; that for the past four years, they have been carefully following and evaluating the development activity in Chatham; that this evaluation has necessarily involved the use of all the County ordinances and requirements and the Land Use Plan; that this evaluation has revealed not only the compromising of our Land Use Plan, but also the inadequacies in our County ordinances that regulate Chatham development; that had strategic planning been done over the past few years, the County would not need a moratorium at present and that it would not be facing the negative environmental, fiscal and traffic impacts, which everyone is beginning to see and will have to endure in the future; that the schools would have been carefully considered and the Board would not be scrambling to build new ones so quickly; that the County's water system would be upgraded and someone, somewhere, would have looked carefully for a County wastewater treatment plan; that the overall impact of the effluent from all the individual wastewater treatment facilities associated with large scale development which ultimately drain into our drinking water supply would have been considered; that growth would not have been stifled, but it would have been planned within the framework of good conscience for both the public good and the tax base; and that up to now, this County has been relying on the developers to plan our future.

She stated that the Board has acknowledged these Countywide problems by bringing forth this moratorium ordinance and recognizes that the ordinances needs updating, improvement, and clarification to make them readily understandable to all; that they know about the need to update the Subdivision Ordinance and incorporate affordable housing, green building principles, and transportation, as well as the various expert opinions of Advisory Task Forces; that they recognize that the Zoning Ordinance has had so many exceptions made to it over the years that it no longer reflects any organized plan; that they understand that the Strategic Land Use Plan needs an accompanying map and some updating; that the Watershed Ordinance needs better protections for our precious environment; that the County needs a Commercial Corridor concept and map, which CCEC requested over three years ago; that better specific criteria for approval of new developments is needed; that basically, all these ordinances need updating to provide for appropriate 21st century planning to meet the vision of the County that was endorsed ten years ago; that the Board also has the responsibility to let the developers know exactly what they need to do in the future to obtain approval of their plans; that the public hearing procedures need to be reviewed, especially those for Quasi Judicial proceedings, to insure that the Board has all the information possible so they can make their decisions about the future of this County; that the present system does not allow information to be considered by the Board, after the public hearing; that the citizens have been and continue to be actively taking an interest in the future of this County, they are reviewing all the information that is submitted in the development proposals and in order to review this information properly and provide the Board with their suggestions and expertise, they need more review time between the posting of information and the public hearing; and that they need to be heard by the Planning Board, as well; and that at present, citizen information must be ignored, unless it is brought forth at the public hearing.

Ms. Hurley finished by stated that there are other areas that we need to address: water supply and wastewater treatment, commercial corridor ordinance itself and its accompanying map, an adequate public facilities ordinance, adequate recreational facilities, protection of agricultural resources and economic development to mention a few; that while these are not included in the moratorium, they still need to be addressed; that a twelve-month moratorium is a very short time in which to accomplish all that needs to be done; that the positive results from strategic planning and updating of procedures and ordinances can only enhance the

future of Chatham County and its citizens. She thanked the Board for initiating these policies and procedures, for actually considering the citizens who live in the County and those who will become residents in the future.

Beth Kricker, 224 Buteo Ridge, Chapel Hill, NC, stated that she wanted to welcome the Board and thank them for all they have already done for the citizens of Chatham County; that she is sorry that they are inheritors of problems now affecting the County; that the worst may be the lack of drinkable water for those residents who must depend on the County for their only source of drinking water; that she applauds the Board's efforts to secure for the County a pure source that is not dependent on an outside source that may not be able to deliver if there is a draught or water quality problem; that faced with the reality of insufficient water both in its quantity and quality, wastewater problems, as well as sewage systems, overcrowded schools in need of repair, new schools needing to be built, it would appear that either a moratorium on large scale residential housing is needed or the developer must agree to provide these essentials; that she urges the Board not to burden the taxpayer with providing the essential infrastructure for new development; that already rising home assessments, gas prices, food prices, and medical care will leave many Chatham County residents struggling to keep a roof overhead and food on the table; that she urges the Board to place a moratorium on residential housing until such time as the one percent land transfer tax is enacted; that there are many ready to cooperate and help in any way deemed necessary to bring this about. She thanked the Board for their efforts to restore Chatham County which, she stated, for many, is a beloved historical place in which to live with their children and grandchildren.

Bill Sommers, 1066 Fearrington Post, Pittsboro, NC, stated while there are many reasons that the proposed moratorium is essential to the planned growth of Chatham County, his concern focuses on three critical utilities: water, waste water, and storm water; that the current Subdivision Ordinance, in Section 7 pays particular attention to these items: water supply system (7E), sanitary sewers (7D) and storm drainage (7C); that he'd like to briefly discuss these three items in terms of the Subdivision Ordinance and the proposed moratorium as follows:

“1. Water Supply System: Chatham County water is already under great stress in terms of supply potable water under sufficient pressure to service already approved subdivisions. In developing a consistent and practical plan for water future, the County has received a plethora of data with wildly different estimates of population growth and the upswing in customers. The County needs to agree upon a growth plan that is more down to earth and practical of achievement; it must have sufficient time to develop this plan against the backdrop of an increasing number of complicated development proposals. Of critical importance is the need that the Subdivision Ordinance reflects the specifics of that plan.

Currently, Section 7E provides an overall “boilerplate” statement that can be found in any first year planning handbook for college freshmen, namely, “Where public service is available, public water shall be published in such manner as to serve adequately all lots within the subdivision. Where public service is not available each lot must have a suitable water supply system approved by the Chatham County Health Department or other appropriate agency. Installation of all water supply systems shall conform to appropriate regulations of any government agency having jurisdiction thereof.” This is insufficient to provide guidance to the plethora of rules and regulations already in place and it is too general and imprecise to reflect the overall County water policy.

Thus it is absolutely imperative that the County have time to work out a distinguishable potable water plan for the water plan for the whole County and have this policy be referred to and summarized in a revised Subdivision Ordinance.

2. Sanitary Sewers: Section 7(D)'s outmoded title underlines the fact that this is immediately out of date; the section repeats the outmoded “boilerplate” used in the section on Water Supply. Of significant and current importance is the growth in the use of variations of “spray irrigation” in most of the housing developments being approved in Chatham County. While this is a method that is being promoted by DENR, there are grave concerns on the part of many experienced engineers and environmental specialists on the continued use of this type of wastewater treatment, especially in growing urban areas. This is coupled with the fact DENR and the EMC are, more or less, turning over the use both Jordan Lake and the

Fear River Basin to direct wastewater operations in the Western Wake area, including Research Triangle Park while channeling Chatham's needs into the less desirable "spray and soil soak" systems. Thus it is crucial that Chatham County has time to review this situation in order to work out a modus operandi that would then be made part of its Subdivision Regulations.

3. Storm Drainage: Section 7(C) again uses the set piece as do its other counterparts in the Subdivision Regulations. Yet the present situation has far outmoded these once usable statements. Of particular importance here is application of the Clean Water Act and its newly enacted storm water provisions. On July 1st Chatham County will be included in the State's NPDES/Storm Water regulation which will make a significant difference in the way this is administered and handled and applied to new subdivisions and to existing subdivisions. The County must carefully review both the short and long run application of these new regulations as they affect the Subdivision Ordinance. Again, coordinating existing conditions, future developments and the complication regulations regarding the management of storm water run off, must be integrated under circumstances that will not pressure the planning decisions."

Elaine Chiosso, 1076 Rock Rest, Pittsboro, NC, Executive Director of the Haw River Assembly, stated that the Haw River Assembly supports the proposed one-year moratorium on residential development; that they believe that a halt in new projects is urgently needed in order to deal with the unprecedented and poorly planned growth in Chatham County already underway and to allow time for the development of new policies and ordinances to protect our water quality, natural environment and public health. She stated that during the past four years, the Haw River Assembly, other citizen organizations, and individuals spoke out concerning the negative consequences that could be expected if very large developments were built in areas considered environmentally unsuitable, without sufficient mitigating conditions required; that their concerns were mostly disregarded, but unfortunately were borne out as the construction began. She asked that the Board consider the following particularly troubling examples:

1) The Chapel Ridge Development:

She stated that they raised serious and detailed concerns about the steep slopes, the number of small streams that would be impacted on the site, and the extensive grading that would be needed to build a golf course and on-site waste-water system during the county approval process; that they stated at the time that they did not believe this development could be built without significant and long-lasting degradation of Dry Creek and the Haw River; that the photo of Dry Creek entering the Haw River (7/7/05), carrying mud from Chapel Ridge after a serious sediment erosion violation has become the icon for sedimentation problems in North Carolina; that sediment deposited on the creek bottom and edges continued to degrade the creek waters following that incident, after each new rain (photo taken 9/7/06).



Dry Creek entering the Haw River July 7, 2005. Photo by Jerry Markatos



*Muddy waters flow under Old Graham Road bridge at Dry Creek
September 7, 2006. Photo by Elaine Chiosso*

2) **The impact of mega-developments on Big Woods Road on Jordan Lake:**

She stated that they raised major objections about re-zoning of land to the west of Big Woods Road that allowed the Preserve and the Homestead developments to be built at much higher density; that they did not believe that a golf course community and major housing subdivisions requiring extensive grading and using on-site waste water systems should be built so close to Jordan Lake; that they were especially concerned about The Legacy, because streams from this development drain into the Parker's Creek State Recreation Area at Jordan Lake; that this body of water is essentially cut-off from the main lake by the Highway #64 causeway and any sediment and other pollution are held captive there for extended periods of time; that again their concerns at the time of the approval process were ignored, but have been borne out; that a constant flow of water carrying suspended sediment from the construction sites have resulted in Parker's Creek looking like a sedimentation retention pond – not very appealing for those using a very popular swimming area at the lake; that they are concerned now about stormwater run-off carrying fertilizers, pesticides and other pollutants from these large subdivisions and the golf course into Jordan Lake.



*Parkers Creek Recreation Area (swimming area is roped off in yellow) April 22, 2007
Photo by Elaine Chiosso*

3) Briar Chapel “Compact Community”:

She stated that although more extensive planning went into the process for a compact community ordinance for this development, they had important concerns about its impact on the headwaters of Pokeberry and Wilkerson Creeks that flow into the Haw River; that they felt they were not included in the County’s final project approval; that it took the efforts of the Haw River Assembly and other citizen groups to bring a state public hearing to Chatham to discuss the development’s impact on water quality, in order to get additional conditions to protect the streams included in the State permits needed.

Ms. Chiosso stated that they support a moratorium as soon as possible on residential development so that the Chatham County Board of Commissioners, staff and advisory boards can:

- Review, develop and implement better policies, procedures and ordinances to protect water quality in Chatham County, including those concerning the Land Use Plan, zoning, buffer rules, conservation plans, sedimentation erosion control, and resources required to carry them out effectively
- Evaluate and implement a process that would consider all impacts from development proposals, including secondary and cumulative impacts
- Review how state and federal rules and policies affect and are carried out in Chatham County. The current system seems to be fractured, under-resourced at many levels and lacking sufficient oversight and communication among agencies
- Be prepared for new ordinances that will be required as part of regional or state laws concerning protection of water quality, including the Jordan Lake nutrient reduction rules and new stormwater rules
- Carefully consider the best comprehensive and environmentally responsible wastewater and drinking water plans for Chatham’s future needs

She further stated that the citizens of Chatham County have carried the burden for several years of investigating, researching, and commenting on the potential and known negative impacts of new developments—new developments that were allowed to be built with too little planning and mitigation for future impacts on Chatham residents; that this proposed moratorium would give Chatham County the time it needs to bring creative solutions and resources together so that they can protect public health and the environment in the County; and that they will stand by no longer as our streams and rivers are degraded by a few, to the detriment of many.

Kathleen Hundley, PO Box 1177, Pittsboro, NC, Vice President of the Friends of the Rocky River, stated that she moved from Cary to Chatham to get away from the madness; that the Board of Commissioners has approved 12,000 homes with inadequate provisions made for water, sewage, schools, and inadequate safeguards to protect streams and rivers from the sedimentation resulting from construction and other forms of pollution including spray irrigation residuals and fertilizer such as nitrogen that eventually will seep from ground water sources into streams and rivers; that there are an additional 55 more requests submitted to the Planning Department; that Chatham County has been a developer's gold mine; that the moratorium should remain in place for at least one year; that good rules should be enacted to determine the impact on the environment; that of special importance is the need to give much better protection to Chatham County's own Rocky River and its watershed; that the Rocky River is a fragile "riffle and pool" ecosystem that is highly stressed by both point source wastewater from Siler City and non-point pollution from agriculture, lawn fertilizer, road run-off, etc.; that this wastewater has resulted in nitrogen levels in the river that exceed that of both the Haw and Deep Rivers which in turn leads to massive algae blooms during summer months; that now that the County is placing water lines in the Rocky River basin, more developments positioned on or near the Rocky will be forthcoming; that these developments will likely utilize spray irrigation wastewater systems and will dump untold tons of sediment and nutrients into the Rocky River and its tributaries; that at the same time, most of the Rocky River Basin is unzoned and once water lines are installed, the Rocky River area of the County will be wide open to uncontrolled development; that all of this, combined with: 1) the Siler City wastewater problems; 2) climate change will certainly lead to the collapse of the Rocky River and the loss forever of a valuable economic and environmental resource; that because this must not be allowed to happen, she urged the Board to enact an immediate moratorium to give themselves time to implement effective stream buffers, sedimentation and stormwater runoff controls, and zoning and subdivision ordinances.

She stated that if this was not done, the County will see the collapse of the fragile Rocky River ecosystem and the loss forever of a river that the NC Natural Heritage program has identified as being a biological treasure; that there is no other reasonable choice if everyone wants Chatham County to remain a desired place to live and do business; that if they do not say "no", they will have wall-to-wall subdivisions, traffic for which they are not prepared, drains on the services, (including schools that future residents will demand), and a mirror image of Wake, Durham, Johnston, Mecklenburg, and other counties in the State that have exploded in population and lost the beauty they once had; and that she asks the Board to act this week and do what they can to protect the forests, rivers, natural beauty, and most importantly, the current residents and taxpayers who live in Chatham County.

Barbara Ford, 103 Persimmon Hill, Pittsboro, NC, urged the adoption of the moratorium. She stated that she is a member of the Planning Board, Major Corridor Ordinance Task Force and Subdivision Ordinance Committee; that these subcommittees have been charged with making much-needed changes to the existing ordinances; that other subcommittees are also beginning work on other ordinances; that as they work on these committees, they need the time to make thoughtful and careful changes in concert with other groups in the County without the continued barrage of applications for yet more development and the subsequent need to make decisions on these applications based on antiquated ordinances; that she is very concerned about the cumulative effect of the thousands of homes already approved on their already over-crowded schools, roads, and fragile rivers and lake; that in the last six months of 2006, there was a careless rush to approve dozens of new residential developments; that Chatham County needs to catch its breath and make the proper decisions about how it will grow; that they cannot continue to be forced to rely on the woefully inadequate minimum standards outlined in their current regulations and ordinances when looking at developments; that growth will surely continue, but they must create the

proper guidelines and standards for that growth; and that she urges the Board to adopt this moratorium so that Chatham County can create strong ordinances that will benefit everyone in the future.

Jennie DeLoach, stated that she has lived at her home on 484 Boothe Hill Road in Chatham County for over 25 years; that during the first 22 years, she may have come before the Chatham County Planning Board or County Commissioners two or three times to speak out about various developments that have come into my neighborhood; that in the last five years, she has come before the Planning Board and the County Commissioners over two dozen times to speak out about new developments that were proposed to be built within two miles of her home; that the County is obviously experiencing unprecedented growth; that it is time to stop and look at the processes that the County has followed, and to ask if there is a better way for our County to serve it's citizens, developers, and officials; that she would like to know if the ordinances, plans and regulations that the County currently have protect the interest of the developers and folks interested in selling their land, as well as the interest of the people who already live here and those who will be moving into those developments, or those who could do it better; that she would like to suggest that it goes beyond "Could we do it better?" to what I believe is "How can we not stop and make it better?"; that there is no alternative to a moratorium on development to address the need for change is a no-brainer; that the answer lies in two areas: 1) The first is time. The County needs to put a halt to new developments so that they have time to re-evaluate what it is doing that is good and what needs to be changed; that the Planners and Commissioners do not have time to give adequate thought to those developments clamoring for approval, much less fulfill their regular obligations and explore what changes are needed; that if the Planners and Commissioners can not possibly handle the workload they have now; that it would be a joke to say that they should not only keep up that pace, but review, and rewrite all the planning ordinances and processes in their "spare" time; 2) The second area has to do with the fact that if we agree that the plans, ordinances and regulations are inadequate and need changing, then we must stop evaluating new developments using the current ordinances, plans and regulations; that they are flawed; that they do not protect the County; that they need changing; that the Planners and Commissioners can not carry out their jobs and adequately protect the County, its citizens, and its water supply without tweaking some things and replacing others; that she does not want to come to another Planning Board sketch design and hear once again the frustration in the planner's voices as they discover that an environmental impact statement cannot be requested unless the sketch design is approved; that this is not fair to the Planners who need the information to make the proper call, nor is it fair to the developers and citizens who look to them to do right by the County and themselves; that she has seen the process in action; that she has been at Planning Board hearings and County Commissioner meetings where it has been blatantly obvious that the current ordinances, plans and procedures aren't working; and that she is present to speak out about the need for change as follows:

Ms. DeLoach listed some examples she has witnessed first hand as follows:

"I went to a Planning Board meeting where the chair said the adjacent property owners were allowed two minutes to speak, and said that if we had more to say that we turn in our comments in writing, even though they were going to decide that night whether to approve the sketch design. If there is going to be a limit to the amount of time citizens can speak at various levels, this needs to be stated plainly in our regulations and in the letters sent out to the adjacent property owners and public service announcements.

To have only two weeks to prepare for a public hearing that affects your life does not give the citizens adequate time to prepare and challenge what information the developers have provided. We need to slow the process down and give both the citizens and the County officials time to digest the information presented by the developers, to adequately present their thoughts, and to give those thoughts to the Planners and Commissioners.

- We need to change the sketch design process so that we do not have to approve a sketch design if the planning board thinks an environmental or economic impact study is warranted.
- We need to change the buffers for streams if the land slopes more than a certain angle. It seems rather obvious that if we get a two inch rain, it will run down hill

faster if the hill has a 30 degree slope for 200 feet before reaching the stream, than if the land was flat right up to the stream's bank.

- We need more protection for our wetlands by increasing the distance the developers can put spray fields next to them.
- We need to require more protection during construction to protect the surrounding area from runoff.
- We need teeth in our ordinances so that we can fine the developers who don't adequately protect the land and waterways both inside and outside the developments.
- We need to change the ordinances so that heavy fines can be levied against developers who say they will do one thing, and then do the direct opposite.
- We need to address the water needs of our County so that there is sufficient infrastructure for the residents who currently get County water, before we promise water for the developments that are coming."

She stated that once the County has written new ordinances, it needs to see that they are followed; that she has been at a County Commissioners meeting when a proposed development was clearly going against our Land Use Plan, and yet three of the County Commissioners voted for it, one citing that he knew the gentleman who was putting in the restaurant, that he thought he would put in a good restaurant and that he planned to eat there; that the problem doesn't just exist at the County level; that the County needs to lobby the state to update their plans and regulations too; that Boothe Hill Road, where she lives, is off Lystra Road; that a few years back, she was looking into projected traffic estimates for Lystra and Jack Bennett Roads; that she found out that when projecting future traffic for a roadway, the NCDOT uses past growth figures and estimates three percent a year increase in traffic volume; that Westfall development was going to increase the traffic on Lystra Road by 875 trips per day at buildout in 2011; that this one development will cause an increase of 29% more than the entire NCDOT estimate for increase in traffic on Lystra road by 2011; that she knows the Board has all heard the expression, "If it ain't broke, don't fix it."; that she is here to say that it is broken and it is definitely in need of fixing; that the County now has a new group of County Commissioners, and a new Planning Board; that they have had a chance to see first hand where the problems in the process are; that she is sure they would have all the things on her list and many more; that if they are implying that the current processes are flawed, resulting in hamstringing the Planners and Commissioners, then it would be negligent not to put a moratorium on new developments.

Peter Theye, Boothe Hill Road, Chapel Hill, stated that the Planning Department has never said 'ouch' and that they could not do the job; that the County needs to energize the County Manager to get priorities in line with the citizens; that he wants the Board of Commissioners to remember turbidity; that there is no sales tax revenue generated in Chatham County from development construction projects; and that the County will not be hurting the development in the County.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that at their meeting on May 15, 2007, the Chatham County Environmental Review Board voted to support passage of the moratorium on new developments because it will allow the County to: 1) Develop riparian buffer language for the watershed protection ordinance; 2) Develop a sound response to the Commissioners' request to develop environmental assessment triggers; 3) Evaluate the direct, secondary, and cumulative impacts of developments already approved, including review of conditions required by State and County permits and the implementation of those conditions; 4) Develop a more comprehensive watershed protection plan for the County; and 5) Coordinate and consolidate information and create better processes for discharging duties.

Schell Simpson, 2155 Andrew's Store Road, Pittsboro, NC, stated that he is in favor of the moratorium; that he is an abutting property owner of proposed land for Larkspur Subdivision; that he was notified a little less than two weeks before it went to the Planning Board for sketch plan approval; that he had to learn a lot on his own; that after tracking down topo maps, regulations, and a copy of the sketch plan, he realized that he had a problem; that

his property was on the downward side of two substantial slopes where six one and a half acre lots were going to be built; that this condition should have been addressed in the Chatham County Subdivision Regulations Section 6.1 Sub-section A; that there were also conditions of unsuitable perk sites and areas where *The Soil & Environmental Consultants of Raleigh* could not evaluate due to bouldery surface conditions just over his property line; that the sketch plan called for twenty-seven one and a half acres lots on approximately forty-two acres; that seven of those lots were deemed unsuitable for building; that three of those lots could not even be evaluated; that this sketch plan was nearly passed; that it was tabled by one vote because it was the new Planning Board's first meeting and their first exposure to the development; that he thinks the process needs to be re-evaluated to ensure that all regulations can be met with confidence and clarity; and that a moratorium on development could give time for solutions.

Delcenia Turner, 557 Clarence McKeithan Road, Gulf, NC, stated that she is in full support of a twelve month moratorium on residential subdivision development; that as a citizen and member of the Planning Board, she has had the opportunity to view first hand what growth and development at the current pace is doing to Chatham County; that what she has witnessed over the last months both appalls and saddens her; that there will be damage to forests, the distinct threat to the agricultural sustainability due to the erosion of soils through deforestation, the destruction of natural habitats and vegetation and the shameful despoilment of the County's rivers, lakes, and streams that continues to threaten the lives of the aquatic wildlife and will ultimately affect the human drinking water supply; that these calamities are the direct result of rampant growth and development; that from her vantage point, she sees that the blame lies not so much with developers who, as they traverse their investment, plainly see the damage that are doing to the earth and water and choose to ignore it, nor with landowners who consciously blind their eyes to the internal destruction of Chatham County in fear that it might affect the bottom line of their land sale; that the real culprits are the one-sided regulations governing development in Chatham County; that even when citizens of Chatham who volunteer much of their own time, professional expertise and devote their personal financial resources to the caretaking of the natural resources, alert the Planning Board of the negative cumulative effects of a development, nothing can be done because the regulations, as they are presently written, do not allow for citizen concerns, no matter how justifiable; that they need to change those regulations which specifically allow this misplaced attitude among developers and landowners that their interests are superior to Chatham County's survival; that the regulations need to make it plain that nothing and no one is superior to "Lady Chatham"; that she needs to be able to provide the beauty, joy, and contentment to succeeding generations as she provides to the people and was bequeathed to them from the people who nurtured Chatham County before any of those present were born or arrived; that that is only just and fair; that she commends the steps the Commissioners have taken thus far to promote the health, safety, and welfare of all of Chatham County's citizens; that she urges the Board to declare a moratorium on development in those same interests; that they should give the time needed to revise the subdivision regulations and zoning ordinance, update the Land Use Plan, and develop an appropriate map; that it can be done in the time allocated, if the Board allows it to be done, and it is the only way to preserve something more meaningful than everyone...Chatham County.

Nathan Wieler, 3246 Hanks Chapel Road, Pittsboro, NC, stated that he is a builder that is concerned about the environment; that he is against the moratorium; that there is a middle ground; that planning can take place at the same time as construction; that this is an exciting time for building across the country and it does not need to be slowed down; that he questions the negative impact on economic development; that he proposes a plan to change without a moratorium; and that it will not shut down great projects in Chatham County.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that after awhile, folks get complacent with their roles; that the role of local government is critical in enacting change; that in order to change developer's behavior the Board must enact strong regulations and impact the bottom line; that it cannot continue to build with existing infrastructure; that it needs to do 21st century development in Chatham County; that he urges against legal exceptions to the regulations; that the County needs to develop neighborhoods that are mass transit friendly; and that economic development must be coordinated with residential development.

Bob Eby, 19 East Madison, Pittsboro, NC, stated that he is a member of the Affordable Housing Task Force and is supportive of the twelve-month moratorium; that one of the areas critical to the further expansion of housing within the County is that of providing affordable housing for those who have annual incomes falling below the average family income for this area, which is approximately \$60,000.00; that this is a particularly pressing need in the northeastern part of the county where housing costs have been rapidly increasing; that in recognition of this need, the Commissioners appointed an Affordable Housing Task Force during the end of 2005; that the proposed moratorium cites the need for the County to adopt an Affordable Housing Policy applicable to all of Chatham County; that the Affordable Housing Task Force has been working towards the goal of preparing such a policy for submission to the Commissioners; that the Task Force, after much study, has realized that it requires additional time to be able to finalize a complete Affordable Housing Policy; that items on the agenda include:

- An update of the Affordable Housing Needs Assessment that was completed in 2002. Funds have been requested for this purpose in the County's 2007-2008 budget.
- Preparation of a methodology for maintaining affordable housing units as affordable for a 99-year period.
- Having a policy that will be effective in both the zoned and the unzoned portions of the County.
- Sorting out how to implement both equity ownership and rental housing policies.
- Having a policy that will place requirements, such as inclusionary zoning, on builders and developers, but not unreasonably.
- Having a policy that could be adapted by the municipalities in the County, so that there is a coherent policy for all parts of the County.
- Keeping all interested parties such as affordable housing providers, developers and builders, environmental groups, and government officials and staff involved in the policy preparation process. To this end an Affordable Housing Summit will be held this fall to discuss current status of the policy and to receive feedback from all interested parties.

Mr. Eby stated that he believes that all of this can be accomplished and be ready for consideration by the Board of Commissioners within the next twelve months; that approving the proposed moratorium will permit having an appropriate Affordable Housing Policy in place before more large residential developments are approved.

Mary Lucas, stated that speaking as a private citizen, she and her husband moved to Chatham County 12 ½ years prior to escape the suburban sprawl of Raleigh; that they have watched with concern and increasing alarm as more and more of Chatham becomes private residential property, developed in a haphazard, first come, first served manner; that the majority on the previous Board of Commissioners seemed to have given little thought to the importance of having infrastructure in place, or at the very least planned and on the drawing board, before giving the developers carte blanche to do as they wished; that she appreciated the new Board considering a twelve-month moratorium on development; that the County must begin to pay attention to the infrastructure required to handle the development already approved and awaiting construction before adding more; that she does not need to list these infrastructure requirements as the current Commissioners know better than she what is needed; that she simply wishes to concur with the need for this moratorium; that to support the necessity of a moratorium, the Board needs look no further than neighbors to the east; that Wake County has had massive development in the last decade, and like Chatham until now, Wake has ignored the requisite supporting infrastructure; that they now have a school system in disarray, with projections that it will cost billions of dollars to fix just the current problems; that the once strong Wake County school system is suffering from acute growing pains; that Wake has also lost many of the family farms that once thrived in the county; that according to the Wake County Department of Revenue, approximately 1% of Wake land is currently dedicated to farming, forestry and horticulture combined; that that is certainly a great deal less than just a few years ago.

Ms. Lucas stated that there is much more development in the northeast quadrant of Chatham than in other parts of the county; that that will spread south and west as development pressures increase; that how the County develops what is left of its finite

resources is critical; that although she is not a farmer and by definition has not experienced the problems that farmers face on a daily basis, the plight of the farmers is important to her; that if farmers want to or must sell their land, she certainly supports their getting a fair market price for it; that she also wants farming to be a viable possibility for young people in the future; that the rural, agricultural heritage of Chatham is one of our greatest assets; that if development is allowed to proceed at its current pace, there will be very little land left for farming, and what is left, will be far too expensive for farming to be economically feasible and the unique quality of Chatham will be destroyed forever. She asked that Chatham County be smarter than Wake County; that the brakes be put on development, that East and West Chatham, farmers, businesspeople, residents who work in Chatham and those who must work outside the county, all must come together to find alternatives to killing the goose; and that she believes there must be solutions that will work to the best interests of everyone, but to find them, everyone has to sit down at the table together.

Maja Kricker, 224 Buteo Ridge, Chapel Hill, NC, stated that she asks if the County doesn't have a moratorium, who pays; that the price of hasty, ill-planned development is paid by the citizens; that children are affected by poor air quality and water quality; and that weighing the costs of not having a moratorium are greater.

Efrain Ramirez, 250 Town Lake Drive, Pittsboro, NC, stated that he has lived in Chatham County for twenty-two years; that Chatham County is one of the most beautiful places he has ever been; that he respects the need for growth; that the quantity that has been put forth is overwhelming; that he does not want Chatham County to become Wake County; that the schools are overloaded; and that he encourages the approval of the moratorium; that the Board of Commissioners, the Board of Education, and the Planning Board need time to make quality decisions.

Mark Botts, 111 Indian Orchard Road, Pittsboro, NC, stated that he enjoys living in a rural area; that in following Planning Board meetings he has seen citizens express strong and valid concerns; that because the rules don't take sufficient considerations to citizen comments and concerns; that the rules need to change; and that he supports a moratorium to help slow down and be good stewards of the community.

Gary Simpson read a letter from Larry Hicks, 128 Persimmon Hill, Pittsboro, NC, as follows:

"If there was ever a time for a moratorium, and more importantly solid planning and implementation of plans, it is now. Chatham is faced with accelerated population growth. We cannot keep pace let alone get ahead of the curve.

- We have large and growing residential development pressures that defer heavily on spray treatment systems and inadequate water resources. We have untethered major development in rural areas of the County where services and schools are non-existent, and roadways are poor at best.
- We have major corridor development threatening to turn all of our main roads into strip malls, as can be found between Chapel Hill and Durham, and in Cary.
- We have current school overcrowding and a lack of resources to bring these schools up to par, let alone build new schools.
- Our debt capacity has been maximized and we have not planned for our fiscal future.
- Our water system is woefully inadequate and our wastewater system is non-existent.
- Our streams and waterways are depleted and endangered our drinking water resources are inadequate and polluted. We continue to build in sensitive areas further exacerbating the situation.
- Development continues to encroach from the east in part because of our inability to manage ourselves.

This is not the vision of Chatham County. This is not what we wish to hold out as a banner

to attract economic development. This is not what we planned for our future. The adopted Land Conservation and Development Plan have been shelved too long. We are now beginning to flesh it out and need time to do so. We need to implement the ‘*rule of the hole*’ ‘when you are in one, stop digging’ at least until we get our plans in place and start taking a serious look at Chatham’s future. What I’ve outlined above reflects our current reality, and if not checked our future.

To ignore this reality is a disservice to the citizens of this County who jointly describe our vision as *a place that cooperatively controls its own destiny to assure the state of well-being desired by all of our people, while proudly preserving diverse cultural heritages and the County’s rural character.* Currently we are out of control.”

Sally Kost, 1101 New Hope Church Road, Apex, NC, stated although she is a member of the Planning Board, she is speaking as an individual and not on behalf of the Planning Board; that in February, the Board of Commissioners laid out expectations for the Planning Board; that one of those expectations is that the Planning Board be rigorous in the review of all development applications; that they have tried to be thorough and to be complete, although this has become increasingly more challenging because of the rapid fire of new subdivision requests; that perhaps the June Planning Board agenda is heavy because of those trying to beat the moratorium, but they have six sketch design approvals totaling 371 lots on our June agenda, in addition to a long list of other business that must be considered; that it is hard to be rigorous when the workload is this heavy; that the Board has identified as a priority that the Planning Board review and recommend changes to the subdivision regulations; that in April, the Planning Board appointed a subcommittee to begin this work; that she is serving on this subcommittee and although they have just begun, they have already found the task to be arduous; that the key to their work is openness and they have outlined a process with various points where they seek citizen comment and input, it is frustrating to review subdivision after subdivision without effective regulations consistent with the Land Development and Conservation Plan; that not only do they need the moratorium to give them the time to accomplish what needs to be done, they need to have ordinances in place so that they stop development that meet only the bare minimums and that are not consistent with the Land Development and Conservation Plans; that additionally, this moratorium is needed to halt further development in the Cary/Chatham joint planning area until this plan is in place.

Ms. Kost stated that this Board has appropriately asked that the Town of Cary extend its moratorium on annexations until April 2008; that Chatham County has no mechanism to stop development in the joint land use planning area while the Land Use Plan is being developed; that in the last year, two subdivisions have been approved in the joint planning area which, when all is said and done, may be inconsistent with the final land use designation; that additionally, one conditional use request was withdrawn from the developer when it was obvious that this boat storage facility would not win approval; that Cary has shown good faith, and Chatham County, needs to do likewise; that for this joint planning to be effective, no additional projects should be approved until the new plan is in place; that a moratorium isn’t a tool to stop growth; it is a tool to give a brief time-out to give the time to get revised ordinances in place that will help Chatham grow in a way that protects its environmental assets, protects its quality of life, and result in the vision of the Land Development and Conservation Plan becoming a reality.

Chairman Thompson thanked everyone for attending the meeting and for the sacrifice they made for returning the second night. He reviewed the proposed moratorium process and asked for comments from fellow Commissioners.

Commissioner Lucier expressed his appreciation for citizens’ comments and stated that the comments and presentations were impressive, well thought out, key points were made.

Commissioner Barnes stated that he has carried with him an e-mail written by Gary Simpson a week earlier; that they must consider the purpose of the moratorium; that they must consider also that the Commissioners promised that they would put the brakes on the development train; that they were elected by the majority of the voters; that they need to keep that promise; and that it is time to put up or shut up.

Commissioner Lucier stated that the Board of Education is getting ready to design and build a new school; that the Green Building Task Force will be working with them; and that based on that, he would like to make the following motion.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to request that the Chatham County Board of Education and the school administration formally interact with the Green Building Task Force to foster green buildings in the new schools that are to be constructed soon. The motion carried five (5) to zero (0).

Commissioner Cross stated that for those who were not in attendance at the previous night's meeting, he would like to inform them that Commissioner Lucier and he have a gentleman's agreement to disagree on the zoning; that it will be discussed over breakfast on Wednesday morning, compliments of Commissioner Barnes, to iron-out the issue and return to make a recommendation to the Board of Commissioners.

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:38 PM.

Carl Thompson, Chairman

ATTEST:

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