



## Chatham County Planning Board Minutes September 7, 2021

The Chatham County Planning Board met in regular session on the above date and the meeting were as follows:

### Present

Jon Spoon, Chair  
Caroline Siverson  
Eric Andrews  
James Fogleman  
Allison Weakley  
Jamie Hager

George Lucier, Vice-Chair  
Bill Arthur  
Clyde Frazier  
Alex West  
Brittany Harrison

### Absent

### Planning Department

Jason Sullivan, Director, Kim Tyson, Subdivision Administrator, Angela Plummer, Zoning Administrator, Chance Mullis Planner II, and Dan Garrett, Clerk to the Planning Board.

### I. CALL TO ORDER:

Chair Spoon called the meeting to order at 6:30 p.m.

### II. VIRTUAL MEETING GUIDELINES:

### III. DETERMINATION OF QUORUM:

Chair Spoon stated there is a quorum, 11 members present.

### IV. APPROVAL OF AGENDA:

Approval of the Agenda - Chair Spoon asked the board members if there were any issues with the Agenda. There were no objections, and the agenda was approved.

### V. APPROVAL OF THE MINUTES:

Consideration of the August 3, 2021 Planning board minutes. Motion made by Vice-Chair Lucier to approve the minutes, second by Ms. Siverson. The August 3, 2021 minutes were approved 8-0, Ms. Weakley, Ms. Hager, and Ms. Harrison did not vote because they were absent at the August 3<sup>rd</sup> meeting.

### VI. PUBLIC INPUT SESSION:

There was one citizen signed up to speak on the subdivision item. Chair Spoon asked for them to speak during that item discussion.

### VII. SUBDIVISION:

#### PUBLIC HEARING:

1. Request by Zach Daugherty on behalf of Garden Street Communities Southeast, LLC for subdivision **First Plat** review and approval of **Savannah Ridge**, consisting of 158 lots on 150.58 acres, located off Moncure School Road, SR-1931, parcels #11229.

Ms. Tyson stated the Planning Board reviewed the application during the August 3, 2021 meeting. Ms. Susan Miller spoke at the public hearing of her concerns with the existing school traffic and potentially more traffic on a small rural road with the proposed subdivision. Ms. Miller stated the current school traffic is turning around in her driveway due to the school traffic back up.

Mike Zaccardo, P.E. with the Timmons Group was present on behalf of the developer. Mr. Zaccardo stated the off-site septic fields are located where the best soils were identified, public water will serve the development, there will be posted 'no on-street parking' signs within the neighborhood, and the homes will be built by Adams Homes Builder an affordable custom home builder and the homes will sell for the low \$300,000s. It was explained, on the smaller lots, six homes in a row will have their own individual pump systems tying into a common force main and the wastewater will flow to the remote septic drain fields. Since, the drain fields will be in a common area the HOA will need to hire a certified wastewater operator to monitor the off-site septic systems and/or the remote fields. There will be one area with a drip irrigation system.

Board members questions/concerns included the following:

- how much of the open space is covered by the off-site septic fields,
- the off-site septic fields will need to be monitored by a certified entity hired by the HOA and the Planning Board members do not know what company will be used,
- concerns with large areas of septic fields and how much grading will be involved,
- if the pools and wetland areas were from old logging roads,
- why wasn't a traffic analysis completed,
- was approval sought from the U.S. Army Corp to allow access off Jordan Dam Road,
- concerns with parking and why the Chatham County Fire Marshal hasn't been contacted,
- concerns with access roads to the septic areas will go through secondary natural space.

The board voted to postpone the proposed project to the next Planning Board meeting and requested the developer work with staff and bring the project back.

Since the last Planning Board meeting on August 3, 2021, the developer has provided three emails. Email dated August 17, 2021 provides the provision regarding vehicles and parking restrictions that states, "Vehicles shall not be allowed to park on any street within the subdivision or on any portion of a Lot other than in the driveway or garage", email dated August 11, 2021 provides correspondence from Fire Chief Shi with the Moncure Fire Department and email dated August 24, 2021, provides a copy of title insurance. Planning Staff contacted the Fire Marshal, and he has not been contacted by the applicant or their representatives.

Ms. Tyson stated the Planning Department recommends that the Planning Board review the proposal to determine if it complies with the conservation subdivision standards and guidelines. If the application is recommended for approval the Planning Department recommends granting approval of the road names Live Oak Drive, Orleans Drive, Harper Lane, Mercer Ridge, Savannah Ridge Lane, Telfair Lane, Warren Drive and granting approval of subdivision First Plat for **Savannah Ridge** with the following conditions:

1. The following development schedule shall apply: Construction Plan submittal for Phase 1 of 74 lots by November 30, 2022, and Final Plat submittal for Phase 2 of 84 lots by August 2023.
2. The Final Plat shall provide consecutive lot numbering.

Prior to final plat recordation, the county attorney shall review and approve the form of the Management Plan, the Declaration of Covenants and Restrictions, and the deed for the Conservation Space.

- Mr. Zach Daugherty stated they are excited to be possibly coming to Chatham county and through this process he has reiterated that they are a developer for Adams Homes, and they like to pride themselves as an affordable custom home builder and it is an important option for residents of Chatham county. As the plan is laid out with the larger lots and the denser areas, we feel this is a way to cater to families of different income levels all while preserving natural space. The natural space will also serve as a buffer between the commercial businesses such as the RV storage being built now. This will also promote a sense of community with Moncure school and there is an overwhelming amount of support from teachers and administration, and they are excited to have a housing project right near the school. Mr. Daugherty has also had discussions with Chief Shi with Moncure Fire, and he has expressed his support of the project and stated the local fire fighters would like to live within their district rather than drive across county lines.

Mr. Daugherty stated that Chief Shi was okay with the no parking signs which satisfied his requirements and we above his request and placed the signs on both sides of the street. They have been in discussions with Duke Energy and would like to provide street lighting about every 4<sup>th</sup> house. As far as the gravesite, an exception would have popped up this our title company that showed those gravesites on the land, if we do come upon some graves, we will do our due diligence and report it to the appropriate authorities and go through the process. Mr. Daugherty has also been in discussions with the NCDOT, and they said a full TIA would not be required, but they did request we do some trip generations and trip distributions at the intersection of US 1 and coming into the community. We have every intension on doing that during the construction process and will to offer a full TIA being performed as a condition of approval.

- Ms. Beth Blackmon with Timmons Group stated there is 24.7 acres of off-site septic in the open space area, but not in the primary or secondary natural space areas. There is 24.7 acres of open space, then for primary natural areas we have 25.14 acres, and all wetlands are located in the primary natural areas. All the streams and environmental buffers are located in primary natural space as well. There are two crossings to access the off-site septic areas. There is also 14.35 acres of Dry Mosaic Oak Hickory Forest preserved as primary natural space, out of the overall 17 acres. The secondary natural areas is 27.59 acres which include the hunting safety area, and the smoke awareness area covers the entire site, and prime farm land areas.

#### Planning Board discussion:

- Chair Spoon stated they have designated the primary natural areas, but in the Conservation Subdivision Ordinance it says that “primary natural areas will be either State Natural Heritage areas and Natural Heritage element occurrences, NC Wildlife action plan upland systems more than 5000 sqft, of historic and cultural resources.” It doesn’t seem that any of the primary natural areas fit into those classifications. Ms. Blackmon stated this site does not have some of those items, we do have the forest land that is preserved, but this site doesn’t have a lot to preserve particularly the wildlife. We are preserving the primary areas that we could and the items that are ecologically important.
- Chair Spoon stated what level of disturbance would there be for the off-site septic in the natural areas which are supposed to be undisturbed, not disturbed once then never disturbed again. Ms. Blackmon stated the septic pipes will hug along the outside edge of the septic area in order to not disturb the primary and secondary natural areas in the middle of the site. The piping would be a little longer to allow as little disturbance as possible. Mr. Daugherty stated he had a conversation with their contractor, and he said it will be very minimal impacts and they adhere to those requirements.
- Vice-Chair Lucier stated Section K.3 of the Conservation Subdivision Ordinance states , “open space shall be accessible to the largest number of lots, majority of the lots should abut open space.” That is not the case here in this plan. The lots might abut natural space, but they do not abut open space, the concept is the area is supposed to be used by the residents because the lots are small, they are supposed to be accessible and abut the lot and that is not happening. Ms. Blackmon stated the

conservation areas surround the open space areas. A home owner is not going to look at the primary or secondary natural space or open space as anything different, to them it is all open space. Vice-Chair Lucier stated what the lots are abutting against are the streams and natural area, they do not abut the open space and that is inconsistent with our Conservation Subdivision Ordinance.

Vice-Chair Lucier stated there is two access roads that cross the streams for accessing the off-site septic fields, is sewer infrastructure running along that access road. Ms. Blackmon stated yes, it will be running under the access roads. Vice-Chair Lucier stated the Conservation Subdivision Ordinance says sewer infrastructure is allowed in open space, but not in natural space and that infrastructure is in natural space. Ms. Blackmon stated they broke the natural space of the stream buffer so that was not counted as natural space. Vice-Chair Lucier asked you subtracted that amount? Ms. Blackmon stated yes, it is hard to tell, but the 20' access area is not natural space. Vice-Chair Lucier stated it does go into the secondary natural area near the community area in the center of the map. Ms. Blackmon stated that area they are redesigning to hug the outside edge of the natural area and septic field area, but yes that area does cross into the secondary natural area.

- Mr. Arthur stated he remains concerned about traffic impact, there are two roads coming out of the subdivision onto Moncure School Rd, opposite of a school. It was stated they would be willing to conduct a traffic impact assessment, but we do not have it, and this is not good for traffic and there will be issues.
- Mr. West asked if there was any intent for the NCDOT to conduct a traffic study particularly around the elementary school? Chair Spoon stated it is not required for a plan of this size, but they did say a TIA would be conducted as a condition on approval. Mr. Daugherty stated this project does not meet the threshold for NCDOT and they reiterated that a study is not required, however we are more than happy to conduct a study as a condition on approval.
- Chair Spoon stated he believes there will need to be more housing in Moncure as the area grows and it is encouraging that the school and the fire department have been supportive, but there is a struggle fitting this project into what we have intended as a conservation subdivision and the goal when we wrote that ordinance was to have subdivisions with a central focus to find a piece of beautiful natural area with significant primary natural areas and to preserve that by making housing around it and preserving it in perpetuity, this project does not fit as a conservation subdivision, and it could be reworked as a conventional subdivision. Chair Spoon stated he is leaning against approval under the Conservation subdivision Guidelines. Mr. Daugherty stated he understands the concern for what was set forth in the Conservation Guidelines, however with the iterations to have a more conventional subdivision layout we lose about 40 lots and we would have to cross a stream at least twice, with the additional roads and the impacts to the streams and natural areas which we are trying to preserve, and the cost associated with those changes, plus a lower lot count, it would be tough to offer a more affordable or lower cost home to the citizens of Chatham County.
- Ms. Weakley stated she agrees with Chair Spoon and there is septic pipes with natural area, that does not meet the criteria alone.
- Ms. Hager asked for a better explanation as to why this plan would have to change as much as Mr. Daugherty stated if it were laid out as a conventional subdivision. Chair Spoon stated Mr. Daugherty said it would be 40 lots less and more access roads to much larger lots and they would not be affordable. Mr. Daugherty stated there would be 120 lots just due to the suitable soil in the area and additional infrastructure as far as roads and additional water lines. Mr. West asked why they would lose up to 40 lots. Mr. Daugherty stated the higher density area would need to be larger lots and we would have to go across the streams and utilize those areas for the larger lots, so we would maybe get 120 to 125 lots and that is if the soils are good.
- Ms. Hager stated it was mentioned that there would be lighting every 4 lots, will they have a timer, downcast, and night sky friendly? Mr. Daugherty stated it is too earlier to have that plan, but they have

talked to Duke Energy and that is important to have the neighborhood illuminated for the safety of the residents, but right now we do not have a lighting plan, but willing to take suggestions. Ms. Plummer stated if there is going to be street lighting the county does have regulations and guidelines and the photometric plan will need to meet them.

- Ms. Susan DeLaney asked what the price range is for these affordable hoses and how much would that change if the 40 lots were removed? Mr. Daugherty stated we are looking at the low \$300,000 starting out and in this market is as good as you can get for new housing, but if we remove the 40 lots it will be the low \$400,000 if not mid \$400,000.

Vice-Chair Lucier made a motion to not approve this item because of the errors and inconsistency with the Conservation Subdivision Ordinance, particularly the primary natural space which is not consistent with what is called for in the guidelines, also it is not consistent with section K.3 of the Ordinance which says open space shall be accessible to the largest number of lots, majority of the lots should abut open space, and also the infrastructure issues with sewer running through the secondary natural areas and possibly the primary area. Motion was second by Mr. Fogleman. Chair Spoon conducted a roll call vote, and this item was not approved, 11-0, unanimously.

## VIII. ZONING:

- Chair Spoon stated before we get into the zoning items he wanted to clarify, what we are looking at now is simply a map alteration for the Compact Community Ordinance. There would be a two-step process, if we were to vote in favor of approval for this map amendment, it would allow these new parcels to submit applications for projects under the Compact Community Ordinance. They would still need to go through rezoning with a project plan and at that point they would need to have all the questions answered with regards to wastewater. We are not at the point right now where we will have those definite answers. There will be opportunities for public input when the rezoning applications come through and the board will have another chance to recommend approval or denial and there would be a vote by the commissioners on the actual rezoning for these plans. If the Planning board were to approve the map amendments tonight, it would not open up these big parcels for whatever they want to do with all the questions regarding their wastewater, it would simply allow them to put together a more finite application under the Compact Community Ordinance. We as the Planning board are called to review the plans and requests that are in front of us, and we cannot be perjurious what plans and requests are in front of us even if there have been failures in other places around the area. We know that wastewater is a concern, and it is a big concern for every Planning board member, but the State of North Carolina has designated that wastewater systems of a certain size are regulated by the North Carolina Department of Environmental Quality, and they get to make the rules and enforce who is following and in violation of the rules. They also get to receive all the input from community members if the wastewater treatment is not operating correctly.

Chair Spoon stated he and the board members have read the public comments in preparation for this meeting and as far as a moratorium on residential development for the purposes of studying be done with wastewater, under Section 160D 107 in the North Carolina General Statute is illegal for us to pass a moratorium. It is address specifically and says, "moratorium are allowed except for the purpose of development in adopting new or amended plans for development regulations governing residential use." As a board we want to make the best decisions possible going forward and have the right rules in place, the UDO process that we are currently undertaking and completing in the next two years is the venue for that process and do not believe it is legally supportable for the board to try enact any kind of moratorium on residential development.

1. A legislative public hearing for a request by the Vickers Bennett Group LLC for text and map amendments to the Chatham County Compact Community Ordinance specifically Section 6.1, p 3 for an expansion of the CCO map and text amendments to support the expansion of area request.

Ms. Plummer stated a legislative public hearing was held on August 16, 2021. Planning staff and the representative, Nick Robinson, attorney, presented the request before the Boards. The applicant also spoke and there have been many written comments submitted. Those comments can be viewed from the Planning Department website noted above.

The Chatham County Compact Community Ordinance (CCO) was adopted in 2004 to prepare for what is now known as Briar Chapel with over approximately 2,650 homes and a commercial component that borders US 15-501 N. Section 6.1 specifies the area where an application for a compact community rezoning can be considered. The map does include parcels outside of Briar Chapel and in many cases splits property lines. There are many objectives listed in the Ordinance to assist in guiding compact community development, but they are not intended as menu of options to select from. This area is only permitted in the designated area as shown on the map and is not currently offered county-wide. The currently adopted map in Section 6.1 follows.

When the CCO was adopted the Land Conservation and Development Plan (adopted in 2001) was the guiding policy document for the Board of Commissioners. In the Land Conservation and Development Plan, compact corridors were encouraged so that the rural and agricultural areas could be protected and were intended to cover approximately 28 square miles. However, there was no land use plan map to accompany the 2001 plan. The current comprehensive Plan, Plan Chatham, was adopted in November 2017. Currently there is approximately 31 square miles identified for compact residential development on the adopted map in several locations and are not contiguous areas. The area designated for compact residential on the Future Land Use and Conservation Plan map where this request is located is larger than the Compact Community Ordinance map seen in Section 6.1.

Plan Chatham states on Page 146, under Action 01, amendments can include the expansion of the Compact Communities Ordinance so that it can be applied to appropriate areas and sites within the County. There are four parcels included in this amendment application and two are partially located within the currently mapped CCO map (see the following maps provided by the applicant.

The applicant has addressed their expansion request as follows as well as offered text changes to clarify the area/s allowed to seek a rezoning to Compact Community. This language would also cover any subsequent requests.

1. Alleged error in the Ordinance, if any, which would be remedied by the proposed amendment. The applicant is not claiming any error in the Ordinance, rather with the adoption of Plan Chatham, existing boundaries are inconsistent between the two maps. This request will bring consistency between them.
2. The changed or changing conditions, if any, which make the proposed text and map amendments reasonably necessary. The background on the adoption of the two regulatory documents is noted under Introduction and Background. The current CCO map bisects five of the seven parcels proposed to be included in a revised map.
3. The manner in which the proposed text and map amendments will carry out the intent and purpose of the CLUP or part thereof. The applicant has addressed several Recommendations and Policy items as provided in their application submittal under justification. Please review the submitted application for a complete list of recommendations and policy objectives. There are seven parcels to be included in the CCO map expansion area, five of which are partially with the CCO map area. Additionally, Chapter 3, page 47 of the CLUP states that the allowance for development of compact residential projects "within one mile of Community Centers" is permissible. This one-mile zone is broader than the 1,700 feet

described in the current language of the CCO. This amendment will bring more unity between the two maps.

Since this is not a rezoning request the applicant did not need to address standards 4 and 5 that are included in the Zoning Ordinance. Without benefit of an actual site plan, which will be required should the proposed project be submitted for rezoning, these standards will be required to be met.

Ms. Plummer stated it is the planning staff opinion this text amendment should be approved based on the goals and objectives noted in Plan Chatham for expansion of the compact community area. Also, to have consistency between the CCO map and the compact residential node identified on the Future Land Use and Conservation Plan Map that was adopted as part of Plan Chatham. The request is consistent with the objectives of the two plans.

The Planning Board has up to three meetings to make a recommendation of approval or denial to the Board of Commissioners.

- Mr. McBroom stated he is Chatham County born and bred, he currently lives here, headquarters his business here, and raising his family here. He stated he travels all over the world, but there is no place like our Chatham County home. Our group appeared before the board about a year ago with different text amendment in which we were looking to rewrite the mixed-use ordinance to include compact residential. To accomplish that we had to apply to amend the watershed, subdivision, and zoning ordinances and had two meetings with the Planning board before it was to go to the commissioners. Some of the Planning board members suggested that the Compact Community Ordinance fit our concept, so we decided to pull our application and began the compact community rezoning process. It was a gift to learn first hand from you that the Compact Community Ordinance was not put in place to be this dormant document only written for Briar Chapel. We learned that in fact the CCO is a living ordinance that had embedded in its DNA the flexibility to be modified to suit other mixed-use projects like ours in North Chatham. Here we are today with Vickers Village, we believe it is the most aligned, thoughtful, and approval ready text amendment application our county can hope to see under this ordinance. What makes Vickers Village so align with the county's goals? To truly understand this, you have to look at the Comprehensive Plan, the very well thought out Land Use Plan has both the community center node as well as a compact residential node surrounding some of those centers. Our land, where we are proposing Vickers Village project is an ideal blend of these two as a truly compact community on US 15/501 just across the main entrance of Briar Chapel. It will be an intimate, walkable, connected, accessible community. Our text amendment application simply amends the Compact Community Ordinance location map to include all of our project property, property that the Land Use Plan specifies for compact residential. The majority of the building that we are going to propose will be within the already designated CCO boundary. Mr. McBroom thanked the Planning Board and turned the presentation to Mr. Nick Robinson.
- Mr. Robinson stated he is here on behalf of the Vickers Village team and Ms. Plummer did a good summary and he will just add a little to that with some maps for the map and text amendment we are requesting. In 2004 the original CCO was adopted, and it included the map you see before you tonight, under Section 6.1 of the ordinance. It shows an area that is larger than Briar Chapel but was derived as part of the approval package for Briar Chapel. The important part of this map is the eastern boundary was established 1700 feet to the east of 15/501 and is without regard to any parcel line or boundary it is just a flat 1700 feet. Mr. Robinson showed the board members the map with the specific parcels for the map amendment and the existing boundary.

Mr. Robinson now showed the 2017 Comp Plan Future Land Use Map and commented that this map was created with extensive input from the community, the Planning Board, and consultants and this map in the Comp Plan are intended to be the Planning Boards north star, your guiding light with respect to proposed ordinance amendments. It included this map, the Future Land Use Map, which designates locations where specific categories of uses are to be encouraged and directed. For example, the areas

that are in light yellow are the only areas in the whole county out of the 707 square miles where the BOC has directed you and encouraged us to try to place compact residential communities. Mr. Robinson showed a zoomed in slide of the Land Use Map and stated there was the 1700-foot boundary from 15/501 and a major change occurs when you look at the Comp Plan map, it is now extended out to this yellow area and the expansion of the proposed compact residential area where it is encouraging and directing compact residential uses wasn't by accident it was by design. In the Comp Plan itself it specifically states that compact residential areas should be within 1 mile of the community center, so these orange dots are the community center, this new map says within a mile of those is where you want to have compact residential which is a big change from the original Compact Community Ordinance.

In the text of the Comp Plan it says it wants compact residential all locations to be within a mile of community centers "transit potential", that gives insight as to why this was done, if you put the compact residential in close to the main transit corridor you have a much higher likelihood of allowing for mass transit to take root. The red highlighted areas are the properties that are owned by Vickers Bennett Group and every single inch of these properties are inside the yellow shaded area where compact residential communities are supposed to be encouraged and directed so if you adopt this map and text amendment to allow compact communities here you know that with respect to these parcels you are doing exactly what the Comp Plan directs you to do.

Mr. Robinson showed the Comp Plan action items and stated the very first action item states, "revise the regulatory framework through an updated county ordinances and regulation" then it goes on to say, "specific amendments include the following, expand the extent of the compact community ordinance so that it can be applied to appropriate areas and sites within the county." It was fully intended when the Comp Plan was adopted that you would amend the CCO to expand its scope so that it would include the compact residential areas just exactly as we are asking right now.

Mr. Robinson briefly discussed the three findings and stated the Planning staff agrees with this proposed amendment and is recommending the Planning Board approves it and doing that would be entirely consistent with the Comp Plan. Our request is tailored to allow the currently pending Vickers Village CCO rezoning which will be before the board next month. There is nothing hypothetical about the impact of this text amendment we are asking for, you will know exactly what this amendment will allow when we discuss that conditional rezoning. Mr. Robinson stated the board may be considering voting on the text and map amendment tonight and that is perfectly fine, but we also understand and think it would be reasonable if you want to wait until next month when you see the rezoning request as well. Mr. Robinson thanked the Planning Board and respectfully request that you approved the requested amendment as it has been submitted.

#### Public Input:

- Ms. Amelia Baton stated my name is Amelia and I am a resident of Vickers Road. I live in the old Vickers Farmhouse where the road dead ends just past the entrance to McGregor Woods. I moved to this house because I love the feel of living on a historic farm (over one hundred years old) on a quiet, rural piece of land. Looking at your land use plan, you state that you want to preserve the "form and function of the rural character" of Chatham County. By putting this compact community *outside the current CCO boundary*, you are distinctly NOT preserving the form and function of the rural charm of where I, and the residents of McGregor Woods, live. It would impede my ability to travel my own road, have a quiet existence, and know each of my neighbors. These are the exact aspects of rural living I love so dearly about Chatham County.

My lifestyle aside, I am deeply worried about this development from a public health, community, and socio-economic standpoint. You, as the planning board of Chatham County, have a responsibility to the residents of Chatham County. This development will not AT ALL benefit the *current* residents of



Chatham County. There are several reasons for this. First, we have not been told what the going rate for these town homes will be. There will be 96 town homes as stated in the current plan, 171 units, which could be up to 300 residents. The plan as laid out by the developer says that they do not wish to be a “bedroom community” or commuter development. Since they have not released the price of these homes it seems to me that these will not be homes that are affordable to many of the residents of Chatham County. To get around this, they have stated that there will be units that are “affordable” mostly planned for above the commercial shops of the village. These apartments are supposedly going to be for workers in the village and would be at a price that they can afford. First, there are so few of these units that there is no way it would shift the balance of this community from a bedroom community to a localized development. Likely, they will instead just pay the fee to not even include affordable housing at all just like they did at Briar Chapel. Then, we will again end up with another bedroom community full of wealthy transplants from California or New York commuting to Research Triangle Park. That will change the feel of our county and neighborhood even more than it has already changed in recent years. It will also create a harsher reality for the people who are already struggling to afford to live in a county they have called home for so long. Many residents have been pushed out already. For example, many teachers who teach in Chatham County are living in Alamance or other counties because they cannot afford the rising rents and mortgages. Is that the type of county we want to be? One where the people who work to support us and our children are not able to live here?

Second, there is no complete plan for wastewater treatment currently. There is speculation that Vickers Village is waiting to see if they can offload their wastewater to Briar Chapel or Fearington Village. That is an absolutely ludicrous idea because NEITHER of those wastewater treatment plans are currently working. We have all seen the video of the wastewater being sprayed on people’s houses in Briar Chapel. The people in that development who live near that treatment plant have already seen the value of their homes decrease significantly. The aerosols that get dispersed from wastewater spraying can travel up to 70 meters and contain all sorts of bacterial, fungal, viral, and chemical contaminants. That is putting the community at HUGE risk. Additionally, Fearington Village currently basically dispenses their wastewater directly into the watershed because they do not have a fully functioning system. My question then becomes: how can we either let Vickers Village bring wastewater to either of these failed systems or how can we even think of creating another private wastewater treatment plant when we have concrete examples of them failing in the area? THIS DOES NOT MAKE SENSE! There is no sewage or public wastewater treatment in Chatham and allowing all these private developments to half ass their own has caused massive problems and will continue to do so. Jordan Lake is already polluted. We had twelve cows die from Pokeberry Creek pollution from Briar Chapel, affecting a Chatham County resident’s livelihood. A woman living near Briar Chapel wastewater contracted an antibiotic resistant disease. Bush Creek is receiving essentially untreated waste from Fearington Village. How much more can our county waterways take? How much more can our citizens take? All these questions can be answered by this one singular question: how much more will you *allow*?

There is so much more about this development that is wrong, and I know you have heard about it from other people. It is wrong, and you have the power to make it right. Do the right thing for the citizens of Chatham County. It seems to me that currently, you are allowing yourselves to be walked all over by developers with money, rather than fighting for your citizens. It is time to find your spines and say no more. It is your responsibility to protect us. We have had enough.

- Ms. Susan DeLaney stated my name is Susan DeLaney and I am a Naturopathic Doctor with a medical practice in Natural medicine in Carrboro for the past 34 years. Today I will be addressing the public health issues related to the expansion of compact communities in Chatham County. While the idea of compact communities is a good idea for our growing population, the lack of safe and functional infrastructure to manage the human waste is a problem for the entire county. Waste that spills into these creeks and waterways ultimately becomes the drinking water for Chatham County, currently drawn from the polluted Jordan lake. All of us are affected and connected in this web.

When I spoke before the Chatham Board of County Commissioners in August, I listened to Mr. Donald Parker speak about the death of 10 cows, turns out it was actually 12 cows on the farm of the late Mr. Durham. As the daughter of a dairy farmer in Union country I was stunned to hear this news. Cows are expensive and can sell for \$2-3,000 a piece depending on their size. Mr. Parker introduced me to Mr. Toni Mann, who is the nephew of Mr. Durham, who assisted him as his cows were losing weight becoming sick and dying. In the spring of 2018 these cows began to become sick and died within a week despite their best efforts- which included working with veterinarians who did extensive testing for multiple causes, including parasites, and other specific cow related diseases. Vet bills for each cow were \$900.00 per cow!! A serious investment in an effort to save his cows.

The death of these cows continued until January of 2019, and no one was able to determine the reason for their illness and for their death. What we do know is that they were being fed the exact same feed and pasture of Mr. Parkers cows who were not sickened. The sole source of water for the sickened cows was Poke Berry Creek which had been contaminated in multiple, by well documented, raw sewage spills from the dysfunctional and unregulated wastewater treatment plant in Briar Chapel. Let me remind you of some numbers:

The wastewater record at Briar Chapel consists of 33 sewage spills with a total of 89,000 gallons of sewage spilled and 72,000 gallons spilled into Pokeberry Creek; 23 notices of Violation issued by the NCDEQ in the past 18 months. No one on this Board or the County Commissioners seems to be alarmed by the death of these cows. A report to the State Board of Health might be in order here to generate more interest and concern.

My second public health concern in regard to a case that I recently learned about with an antibiotic resistant infection at UNC hospitals. Antibiotic resistant infections are one of the top ten leading public health concerns according to the World Health Organization. It accounts for 2.8 million infections in the United State each year and 35,000 death each year!! When asked by infectious disease specialists at UNC, "how and where did you get this infection?" The answer- "I live at Briar Chapel close to the wastewater treatment plant", which as we now know releases lots of bacteria into the air via aerosols and into the water heading down stream. I have attached a few documents for your reading purposes regarding the increasing threat of antibiotic Resistant bacteria infections which are growing rapidly in this country. I do hope that you will read them and understand how important this issue is to our community. I want to share a quote from the Whole Health Organizations report "Recognizing that human, animal, food and environmental health are closely interconnected, the report calls for a coordinated, multisectoral "One Health" approach. In other words, our health is deeply interwoven into the web of health of the animals and the environment around us.

Without a comprehensive plan for dealing with water and sewage this county is in danger of creating a disastrous public health situation, putting people's health at risk. Our county government is abdicating its responsibility to private companies who are not accountable to government health agencies, opting to pay the fines instead of fixing the sewage problems they created. Our county government has not been responsive to citizens' concerns, acting instead to work with big developers who make big promises and do not deliver on those promises. Compact communities can work, but the proposed solutions for such communities in Chatham County have been public health nightmares. Compact communities work in places nearby such as Raleigh and Cary, but they have public services of water and sewage to ensure that these issues are regulated and delivered safely and properly. Without a comprehensive plan for wastewater, North Chatham County is likely to become the states next superfund site-requiring a federal government intervention to repair the problems we are about to create!! This Board must put a pause in place until this issue of waste water has been resolved. To continue to move ahead is unethical and probably illegal. Thanks for your time and for listening to a citizens concerns. Susan R. DeLaney

- Mr. Halford House stated on the county website it stated if a project is in a tragic situation and an application is not complete, that you can propose a moratorium. Mr. Sullivan stated the regulations has changed within the past three years and what Mr. House may have seen online is outdated. Mr. House stated I am grateful for the opportunity to present to the leadership, the citizens of Chatham County and the applicants for the Vickers Village proposed project. I am extremely concerned by the current incomplete proposal and the imminent threats that it presents. I strongly oppose this project and support a Moratorium on High Density Development. My position is based on what appears to be a savvy and well-funded team presenting an incomplete and substantially flawed approach to the Vickers Village project. This is particularly alarming since they propose technologies previously employed in Chatham that are extremely contentious due to their well-documented and imminent threats to the health and environments of the citizens of Chatham County.

The basis for any effective project is developing good site information and using it as the basis for design. In my view, there is no way the applicant can design an effective wastewater and storm water system that the site (with its residential and commercial areas) can accommodate, based on the information presented. These omissions are evidenced by the two soils reports presented that are incomplete and contain contradictory content. Language in a preliminary soils report suggests the soils of the site are complex and of a great spatial variability that challenge an effective wastewater system design. This incomplete information presents a significant challenge to define a hydraulic loading rate for effective wastewater system design. To ensure a successful project, the applicant must provide a site-specific design, implementation based on that design, and effective operation and maintenance of the system once constructed. The applicant has chosen AQUA NC to provide operation and maintenance.

AQUA NC, although a large company, has a poor reputation for transparency and capability for effective management. They poorly manage numerous systems in Northeast Chatham that are plagued with the same problems witnessed at Briar Chapel such as failing to report system malfunctions, Notice of Violations, and noxious odors. The combination of an incomplete design with contradictory criteria, an operator with poor records of management, indicates imminent threats posed by the Vickers Village proposal. The plan for storm water management is based on state options that allow a non-contiguous property to be used for density calculations to meet Watershed Protection requirements. Of course, this puts additional challenges for the on-site storm water management due to the actual functional impervious space increase. Headwaters are where the primary function of Piedmont streams originates, and they are nearly completely pervious and therefore extensive stream erosion and loss of environmental function is imminent. In addition, the UHAUL property uphill from the site with over ten acres of concrete and metal buildings will shed water directly and quickly onto the upper parts of the site with no apparent management planned.

Critical to the protection of water quality from wastewater and or storm water is the adequate extent and function of stream buffers. The applicant has not committed to the use of the buffer provisions in the CCO. In addition, the extent of the buffers noted in the application is inconsistent ranging from 50-100 ft. for perennial streams. Since the applicant has not committed to Chatham ordinances, they will only be required to provide 25 ft. buffer as a part of their wastewater permit with NCDEQ. This is unacceptable for the health of the residents of the proposed development and the residents of the neighborhoods around it, especially since nutrient rich runoff will flow into nearby Jordan Lake, the drinking water supply for the region. I, therefore, for the noted reasons and many more presented during the previous Public Hearing, strongly advocate for a Moratorium on High Density Development, revision of the CCO to ensure green space between communities, and the formation of a study group to develop effective wastewater management for Chatham County.

- Mr. Anthony Curtis stated good evening, Planning Board. My name is Anthony Curtis. Tonight, I would like to take a moment to speak about the Vickers group Proposed amendments to the CCO. I am speaking on behalf of myself and in the interest of several other community members expressing concern over this amendment. In the planning Board Agenda notes it is stated “This area is only permitted in the designated area as shown on the map and is not currently offered county-wide.” This was a deliberate consideration from the 2004 CCO approval, as it was never intended to be applied in other areas of the county. Additionally, it goes on to state “In the Land Conservation and Development Plan, compact corridors were encouraged so that the rural and agricultural areas could be protected”. This amendment specifically targets that historically farmed land that was intended to have been protected by the CCO boundaries as originally approved. Further, when we step back and review the definition of “Compact” in this context, it should be noted, that ever-expanding boundaries are antithetical to that intent.

I would like to speak on several points that are causing concern for many within the surrounding communities that have asked me to speak on their behalf tonight. In the original CCO designation for that area in 2004, environmental and economic impacts to the surrounding communities were considered. These are not even addressed in this amendment and would compromise the spirit in which the CCO maps were originally delineated. There is no effort whatsoever to even approximate the considerations originally required of the original map boundary. Additionally, under the upcoming Unified Development Ordinance UDO, Developers would have the opportunity to build towards these standards as defined in their application. Further, that would allow the community members to have more say in making sure their communities **progress** in a manner that not only fills the pockets of developers but also fills the needs of the areas in which they live. One may argue that timing might preclude the use of the UDO for this project, which is slated for adoption in the next year or two. The only way that this could be true is if the developer is already a considerable way into plat design. The plats have been excluded from this amendment and, as such, we either must assume they are either not completed or have been excluded deliberately. Either way, there is no reason presented that would make it inappropriate to wait for the UDO approval.

And my last point is that there are no delineations of areas that will land be protected. The very brief mentions of areas described as being set aside for protection, would be excluded by existing ordinances regardless, and that in maintaining a rural character, excluding already protected land, wetlands specifically, is not congruent with Plan Chatham’s maintenance of rural character. Rural does not equal swamp. It is, in fact, the bare minimum that any developer would be expected to adhere to, to be within in the law. I would like to ask that when you consider this submission tonight, you either hold this new area to the standards that were expected of the original 2004 map or to vote against this change in favor of deferring to the upcoming UDO which will undoubtedly be finalized by the time that these plats begin need for specific review.

- Ms. Alicia Koblansky stated she is a member of the Environmental Review Advisory Committee (ERAC), but tonight I would like to speak as a private resident of Chatham county regarding the text amendment to the CCO map proposed by Vickers Bennett Group and also the Congruus group. Both developers are requesting a change to the CCO map to incorporate additional parcels to eventually use the compact community ordinance for their specific developments. As we know the original CCO was designed for a specific development, Briar Chapel community which has almost 1600 acres of land. The request of these developers in addition to other developers that are in the planning pipeline, that are requesting the CCO zoning for significantly smaller acreage, almost tenfold smaller acreage. These smaller proposed CCO’s of 5300 acres are in areas that have existing neighborhoods that are not part of the Plan residential development. Our county has not analyzed the impact of the increased density of these smaller CCO on the wastewater, environment, watershed, or traffic. These smaller CC’s will be closer to existing neighborhoods, there by requiring additional regulations beyond current perimeter buffer to provide a rural character to these existing neighborhoods. For example, incorporating a net

residential density framework so to respect the character of adjacent developments could help provide a rural character to these existing neighborhoods adjacent to these newer developments. Furthermore, the addition to parcels that are not currently connected or adjacent to the currently zoning CCO land should have additional regulation to prevent piecemeal usage of developers picking land to increase built upon area. It is understood under North Carolina State law 143 a developer can average development density on two non-congruous property's purposes of achieving compliance. Under this law this property cannot be developed and will remain in vegetative or natural state and managed by the HOA or by local government as a park or a permanent conservation. However, the current CCO does not include this language it would be advisable to add a text amendment to include a statement of this language and provide future guidance for future parcels that will be utilized in this similar matter.

If these text amendments and changes to the CCO is seated before the UDO can be finalized two more Planning board meetings probably will not be enough to fully encapsulate everything that needs to be incorporated. Perhaps considering denying these proposals as submitted and recommending a formation of a sub committee that could include members of the planning staff, planning board, and ERAC, to define a CCO that will used for small parcels that would include up to 300 to 350 acres and utilize additional parcels that are not currently adjacent to the CCO map allows committee time to further research issues that come up in residential compact communities with a significantly reduced commercial provision and add the appropriate text to these distinct ordinance as is. In the end, there really should not be a rush to get these text amendments approved sense there are issues that are occurring with these smaller size compact communities in the existing community.

- Ms. Laura McKelvey stated the language that has been proposed is very open-ended and would be very difficult to be enforceable or any way to for the public to be able to track over time and suggests that there be some more discussion by the board on some more specificity on how parcels could be added. While reviewing the Vickers Village application in the EIA there was a lot of, "we don not think there will be an impact on wildlife or water quality from the oil contamination from the truck repair shop, or we do not think there will impacts on this or that..." Ms. McKelvey stated she recognizes now that is because the application is not complete, but that kind of ambiguity makes it very difficult when you have people coming in with applications in the future using this changed language to know what is allowed and what is not allowed. There is some flexibility that is needed because new parcels come in depending on what the specific project is, but it seems to me this particular language is very open-ended and would be very difficult in the future to track and enforce.
- Chair Spoon stated the language is kind of open-ended, but if does refer to specifically to the map and the map is done parcel by parcel so this would only create the possibility for a project on the parcels that have been highlighted on that map. And each successive project would have to apply to get their parcels included on the map to be eligible for development.
- Ms. Shelly Colbert thanked Mr. Robinson because she felt he did a good job clarifying some of the things that need to be discussed here tonight. The problem that many of the public has with dealing with these issues is that they are looking at objective conditions and they are linking those if they are whether or not these text amendments are actually appropriate. There clearly is a roll here for the Planning board to assist the public in guiding them to take a look at whether or not these areas are in fact appropriate for expansion as requested in the text amendment. When people are quoting objective conditions that they feel make these text amendments inappropriate I just ask for a little leeway in understanding, because ultimately it gets down to a judgment call in terms of that expansion. If the developers can quote these existing conditions in support of their application to amend the text amendment, then the home owners and citizens should be able to quote those objective existing conditions to say that is not appropriate with what is being presented. Ms. Colbert asked for additional discussion on how this will impact additional requests.
- Mr. Jim Roberts stated Mr. Robinson stated in his comments, "embedded to be modified" the modification to any plan should only come with the people that live there and we do not have that input

yet, we are all just finding out about this. Mr. Robinson also pointed out the clause that says we could expand, well it does not mean you have to expand, or you should expand, it should be congruent of the people that these properties are around. This expansion is troubling because of the wastewater situation and the two maps I have seen were greatly different. The Briar Chapel situation is incredible in terms of the wastewater problems, and it all has been ignored. This company is different, and it is Aqua, I have great reservations with this company, and I will need to look into them more. Who gets chosen to provide the wastewater for these expansions is extremely important because your Plan Chatham says, "working together to preserve and progress" the first thing you should do before you progress is we have to preserve good water and good air. I do not feel confident that Vickers Village coming in and wanted to site Briar chapel as the primary reasons of the lack of confidence and encourage the board to vote no on this expansion.

#### Planning Board discussion:

- Chair Spoon asked the developer the plan for their wastewater and whether or not there will be any interconnection with any other systems in the area and secondly the plans for the outlying parcel if it will be developed for residential purposes and if not, how that parcel will be protected going forward. Mr. Robinson stated there is an illusion that the Vickers Village wastewater will interconnect to the Briar Chapel wastewater and that is absolutely not the case. We have already filed the application for the compact community, and we have already held the public hearing on the specific site plan, and you can see exactly where the wastewater treatment plant will be and exactly where the utility lines are for that plant. It is only a 50,000 gallons per day plant which would be sufficient to serve this development and nothing else. There is no intent or desire to serve anything outside this particular compact community. With regard to the 14-acre parcel, that will not be developed, and we have committed to the idea that it will be preserved in perpetuity in its natural state and will do whatever arrangement the county sees fit to make sure that happens. We proposed that we would put a conservation declaration on those 14 acres recorded at the register of deeds office so it would be perinatal in the chain of title and it would say that it would not be developed in anyway beyond its natural state without the consent of the county. We do not want to develop it and think it would be best not to develop it.
- Vice-Chair Lucier stated the Land Use Plan moved the compact community boundary to include a few more square miles mostly to the east of 15/501 which now includes the two red areas and is probably the strongest argument in favor of amending the Compact Community Ordinance to include those lots. Another argument could be, why not just put everything that is in that compact community Land Use Plan as compact community. Vice-Chair Lucier does not feel that would be a good idea, it is better to go parcel by parcel as we are doing here. Clearly the Land Use Plan includes these proposed parcels in the compact community domain.
- Ms. Weakley stated she has concern about scope creep and feels like this is a slippery slope. She also mentioned to Mr. Sullivan that she did not see a compact community layer on the conservation land viewer and asked if staff could tell us the potential number of parcels that could get pulled in with the proposed text amendment and would need to know that information before she could make a decision. Mr. Sullivan stated there is not a layer on the map viewer and does not know what the total parcel count in now with the existing boundary, but that is something we can look at and get that information together. Ms. Weakley stated she is a visual person and in order to analyze what this map amendment means, ultimately that is what we need to look at. With the text amendment applicants would have to request parcel by parcel to be pulled in, but the text amendment suggests if there is part of the parcel within the CCO map and part of it is out it could be considered and that could be a lot of parcels. Mr. Robinson stated that is a fair point and what they would like to stress and emphasize in that Section 2A has two parts, in order to qualify in the new language, you would both have to be specifically described parcel boundary including a particular parcel "and" it would have to be shown on the map and the only

way it can be shown on the map is if the county approve the map amendment. The way we have it worded; it would not open it up to anything else unless somebody else got a map amendment.

Ms. Weakley stated with this amendment anybody who had part of a parcel in the boundary could request and that is my question, how many parcels does that include, that could be a lot of parcels. The 31 square miles struck me as designated compact residential because if you look at the town of Chapel Hill in their planning jurisdiction, that is about 27.5 miles, so we are talking about a size close to the size of downtown Chapel Hill planning jurisdiction. The town of Chapel Hill has a wastewater authority, and we are talking about 31 miles designated as compact residential in Chatham county and we have no centralized public wastewater system. My fear is that all these compact communities that could be proposed, including the small ones they are all going to need spray fields and package plants, I do not know the life span of these plant and I do not know if anybody really knows, but it seems like a risky experiment over time.

- Mr. Frazier stated this is personal for me, I live about a half a mile down Jack Bennett road from this development and the southern branch of Herndon Creek runs behind my house. Given all of that, I am not opposed to more intense development, but this is not the time to move forward on it. We are not being asked to abide by rules and maps that were established in the past which a developer with a reasonable expectation would be approved. We are being asked to change the current regulations to expand the area where you are allowed to have compact communities. Incidentally, every indication is if it gets to the next step, we will be asked to have various other waivers to existing requirements. Now is not the time to expand the area for compact communities because expanding that area expands the number of package private sewage treatment plants. We have learned recently with all the problems with that, and we have learned that there is a lot of problems with other plants besides Briar Chapel. Fearrington plant has been fined \$20,000 which is more than Briar Chapel has ever been fined and have been out of compliance for four years with fecal coliform emissions and increased every year to almost five times the yearly allowance for fecal coliform emissions. The plant at Carolina Meadows has been out of compliance fifty times in the past five years, there are problems with these plants, and we should not open the door for more of them because there is a good chance thing will get better.

There is many concerns from the public and comments saying we need a comprehensive solution or a study to look at comprehensive solutions. A number of residents in Fearrington and Briar Chapel have been working with county staff to move forward on a study for a comprehensive solution and after the marathon on a public hearing last moth there is every reason to believe that the county commissioners would be interested in moving forward on a comprehensive solution. Mr. Frazier stated it is also important to realize that at this time there are likely to be private funds available for a comprehensive solution that will be taken off the table if we approve this proposal and other proposals based on private sewage treatment plants. We have four major developments sitting on ready, Vickers Village, Fearrington Preserve, Herndon Harms, and Williams Corner which was withdrawn because of the uncertainty of wastewater. Each one of these developments would have to spend millions of dollars to build a private sewage treatment plant and in most cases, they would prefer to have a public option available and contribute the money they would spend on a private plant to a public plant. The contributions of these four developments would go a long way to making a comprehensive regional plant possible. Approving this proposal would make a regional solution less possible by taking those funds off the table and putting them into developing a plant that is likely to cause problems. We need to slow down and see if there is a better way, we have three meetings to have a decision for this item and I say let's table it for now and let's see if a study commission will be established, if not we need to act to approve or disapprove this proposal at our November meeting. If there is a study commission, then I feel we should not expand the map and not waive any of the current requirements until the commission report.

- Ms. Hager stated she agrees with Mr. Frazier about the comprehensive solution for the wastewater treatment, but she has not heard any other opposition and likes a lot of the possibilities with the CCO

and bringing more affordable opportunities to the county. My main concern is managing waste not so much about expanding the map.

- Mr. Arthur stated he is unclear about private money being taken off the table for a study if we approve this expansion. Mr. Spoon stated he does not believe four small developments with private package plants would come anywhere close to the amount of money required for a comprehensive wastewater solution or a public utility. Mr. Frazier stated the point is these are all multi-million-dollar plants, and that money could be applied to the solution. Most developers do not want to build a sewer treatment plant they would rather tap into an existing plant. If they have to build their own, we are taking those funds away that could be put toward a public option.
- Chair Spoon stated that is outside of our purview making utility decisions on a comprehensive scale is for the commissioners to do and we are tasked to review the plans that come before us based on the information and the rules we already have and that is what we need to be focusing on here. Vice-Chair Lucier stated on Vickers Village we will get their site plan next meeting and we have three months to make a decision on this amendment but adding another month to make a decision for the site plan. For the Congruus item we do not have any site plan at all, but we will have to make a recommendation one way or another on the Vickers Village site plan this year. Chair Spoon stated everything that we table because it is a difficult decision to make is something we will have to bring up and discuss again next month and it will not be any easier of the decision then. Vice-Chair Lucier stated his preference would be to table this item for a month and talk about it together with the site plan.
- There was some board discussion about making a decision on this text and map amendment tonight or wait until they see the proposed site plan next month. There were points made by board members to both wait and vote for a recommendation tonight.
- Mr. Arthur stated if we were to delay this item another month or two does not matter. There should be a study for wastewater, but it cannot happen overnight, and we cannot hold this item up.

Mr. Arthur made a motion to approve this item with the recommendations made by the planning staff, second by Mr. West. Chair Spoon conducted a roll call vote and this item passed 7-4, opposed by Ms. Siverson, Ms. Weakley, Mr. Frazier, and Mr. Fogleman.

2. A legislative public hearing for a request by Congruus LLC for a map amendment to the Chatham County Compact Community boundary map specifically Section 6.1, p 3-4 for an expansion of the CCO map to include an additional 184.04 acres off Parker Herndon and Morris roads, Baldwin Township.

Ms. Plummer stated the Plan Chatham states on Page 146, under Action 01, amendments can include the expansion of the Compact Communities Ordinance so that it can be applied to appropriate areas and sites within the County. There are four parcels included in this amendment application and two are partially located within the currently mapped CCO map (see the following maps provided by the applicant).

The applicant has addressed their expansion request as follows:

1. Any alleged error in the Ordinance. The applicant is not claiming any error in the Ordinances.
2. The changing conditions which make the proposed text and map amendment reasonably necessary. The text map amendment simplifies the description of the Compact Community Ordinance boundary in Section 6.1.D and expands the CCO map to include approximately 184 acres of property. It also promotes the goal for new communities that support mixed-use development that respects open spaces and the rural character of the County.



3. The manner in which the proposed text map amendment will carry out the intent and purpose of the Comprehensive Plan. Within the Ordinance, the applicant has addressed several Recommendations and Policy items as shown in their application submittal under justification. Please review the submitted application for a complete list of recommendations and policy objectives.
  - a. Section 6.1 of the CCO states that compact communities shall only be allowed in areas located within the portion of Northeast Chatham County described in 6.1.D. and more particularly described on the map attached to the CCO (the "CCO Map"). The Text Amendment simplifies the description of the CCO boundary in Section 6.1.D and expands the CCO Map to include approximately 184 acres of property (the "Property"). Portion of two of the parcels to be added are already included in the CCO Map. The aim of the Text Amendment is to further the CCO's goal of promoting new communities that support mixed-use development that respects open spaces and the rural character of the County.
  - b. The Property is directly adjacent to the Briar Chapel Community and located on Morris Road across 15-501 from Farrington Village. The Comprehensive Plan Acknowledges that this area is one of the more urban areas within the County. Locating new development in close proximity to these existing growth areas already designated as a Village Center under the Future Land Use Map will reduce impacts to natural resources and lessen infrastructure burdens. This will allow the existing utilities to be enhanced and expanded as encouraged by Land Use Policy 2 and will support new and existing commercial areas.
  - c. It is anticipated that the future development facilitated by the text amendment will include affordable and/or workforce and/or senior housing which could be developed by the Applicant or its successors, an affordable/work force/senior housing developer or the County. As set forth above, the Applicant has already met with County and affordable housing task force officials and is committed to meaningful affordable housing development within the expanded CCO boundary.
  - d. Restoration and conservation of Pokeberry Creek will be a priority in any development of this land area.
  - e. The proposed area and the land owned by the Applicant are within the contiguous extended service area "ESA" for at least one privately regulated wastewater utility and within close proximity to another. The Applicant has met with local community members as well to discuss the wastewater issue in the region as well as the short term and long-term solutions for all stakeholders. The Comprehensive Plan states that "it is likely that distributed private and public systems will be needed to meet environmental and economic goals." The Text Amendment and subsequent development of the Property under the CCO could and should allow coordination with existing development along 15-501 to create a regional sanitary sewer solution.
  - f. The Applicant believes its attainment of utility services will lead to enhanced facilities for this part of Chatham County, improved service and increased cooperation among private developers, neighborhoods, the County and NC Utilities Commission.

Since this is not a rezoning request the applicant did not need to address standards 4 and 5 that are included in the Zoning Ordinance. Without benefit of an actual site plan, which will be required should the proposed project be submitted for rezoning, these standards will be required to be met.

It is the planning staff opinion this text amendment should be approved based on the goals and objectives noted in Plan Chatham for expansion of the compact community area. Also, to have consistency between the CCO map and the compact residential node identified on the Future Land Use and Conservation Plan Map that was adopted as part of Plan Chatham. The request is consistent with the objectives of the two plans.

- Ms. Isabel Mattox gave an overview of the proposal and stated she here on behalf of Congruus, LLC who is the owners of 350 acres in north Chatham county. We requested the boundary of the Compact Community Ordinance be extended to include Farrington Preserve to facilitate and be a great asset to Chatham county. We think this is a great tool to encourage and incentivize quality development with lots of preserved open space in a mixed-use village. When the CCO was adopted, we believe the boundaries were more conceptual than precise because it does dissect a number of parcels of ours

and other people's parcels as you heard in the other item tonight. Ms. Mattox showed the Planning board members a map with the desired parcels to be added to the map amendment. There are portions of two of our parcels to add to the CCO map, plus two other parcels which will add another 40 acres. There will be a total of 184 acres that are not in the CCO boundary that we would request to be added in. Only 40 acres of the 184 acres are not already part of a parcel that is already within the CCO boundary. Ms. Maddox showed the members the Land Use Plan map with the yellow shading designated for compact community residential and went over the compact community ordinance goals. Those goals are, "to implement the comprehensive plan, to protect the rural character with substantial buffers and open space, to permit compact mixed-use development in exchange for green space, to meet community needs for roads, parks, greenways, and utilities, to include a mix of housing types, and to protect environment resources." We feel we are going to meet all of those goals of the Compact Community Ordinance. Ms. Mattox showed a slide with a map of the north Chatham growth area and one of the most urban areas in Chatham county. This map shows that the CCO was to cover much more than just Briar Chapel and it also shows the 2-mile radius which is the extended service area for the Briar Chapel wastewater treatment plant. This also shows areas that have been added since the adoption of the CCO map.

- Ms. Mattox stated there are a lot of advantages to approving the CCO map boundary extension and one of the main things is it allows for a high level of planning. We have 370 contiguous acres that are adjacent to existing utilities in an area where compact residential is recommended and it also includes some natural resources that need to be protected. We also want to help preserve the Pokeberry Creek and add a lot of active recreation area. We believe we will have single family, townhomes, apartments, affordable housing, and may have some senior housing as well. We feel that this extension will help come up with a regional wastewater solution and welcome a task force to discuss these issues. There are several options for wastewater here, there is a private system, a public system, or connect to an existing system. Improving and expanding the Briar Chapel system will help, this is not what I am saying we will do, we are open to looking at all the wastewater options.

This proposal will satisfy a number of the Comp Plan goals, policies, and recommendations. One of the recommendations is to allow walkable compact development growth areas and we feel we have planned that. Well designed mixed-use areas near neighborhood village centers and all this property meets those criteria. It stresses protection of open space as an important part of a new development and that is a major priority for us. To encourage the development of work force and affordable housing, and we will comply with those criteria. There are many other Comp Plan goals relating to conservation Pokeberry and connectivity to parks and greenways which we will satisfy those.

- Ms. Mattox wanted to address some of the public comments, and she had said some comments say they have not provided enough detail, for now we are just requesting the extension of the boundary, we are not looking at a plan yet, we will come in for a rezoning with development plans and will have the opportunity to review those plans, but we are not even allowed to attach conditions to this request. Another concern has been the existing conditions at the Briar chapel wastewater plant. We feel that we can help improve the existing conditions at Briar Chapel. Some people oppose growth in general, but we also believe that additional development in the right place will provide the additional amenities needed in this area such as goods and services, transit, regional wastewater solution, affordable housing, better recreation, and preserved open space. To conclude, we seek to add 184 acres to the CCO boundary and all but 40 of those are on parcels that are already partially in the CCO. The Planning board and BOC will have multiple opportunities to review the details of this project as we come forward with the rezoning request. This request is supported by your professional planning staff and is consistent with the Comp Plan, Future Land Use Plan, meets the goals of the Compact Community Ordinance and provides the platform to address some of Chatham county's issues, a regional sewage system, affordable housing, and conservation restoration of Pokeberry Creek.
- Mr. Richard Sukkar speaking on behalf of Henry Field. He stated my name is Henry Field, better known as Rusty, and I am speaking on behalf of StopChathamNorth, a nonprofit representing homeowners within Briar Chapel. I have been a resident of Briar Chapel and Chatham County since February, 2014.

We are voicing opposition to the current requests from Farrington Preserve and Vickers Village to extend the compact community map originally designated for Briar Chapel. We are also objecting to the zoning request changes requested by Vickers Village. I will be quoting from the piece in the August 26, 2021 *Chatham News and Record* by Hannah McClellan titled: *A guide to the county's Compact Communities Ordinance*. Our main concern with these proposals is that they attempt to utilize the Compact Community Ordinance, which was "adopted in 2004 to address Briar Chapel" according to County Planning Director Jason Sullivan, in ways that Chatham County never intended. Allowing developers to continually expand the CCO map would result in a large, densely populated zone destroying the rural character of Northeast Chatham County.

Allowing developers to include detached parcels into the CCO, as Vickers Village is proposing, would be a disaster. It would set a precedent that would increase density in the compact community and decrease the protected green space that is a major purpose for the CCO. It would also reduce the communities' recreational spaces which is another purpose of the ordinance. The CCO was designed to "protect Chatham County's rural character by adequately buffering compact communities from neighboring properties and roadways." Quoting from the August 26 *News and Record* article, "[Mr.] Sullivan said the CCO was designed for projects 'with a bigger footprint' and developers of smaller projects are submitting applications under the CCO are requesting waivers of the standards due to site constraints." He was, of course, referring to Vickers Village. Mr. Sullivan went on to say that "... the regulations are intended to implement all of these objectives [purposes] and are not intended to be options on a menu." Another major purpose of the CCO is to promote new communities that support mixed-use development anchored by a village center composed of commercial, civic and residential uses ... The commercial component is a critical part of this mix and both Vickers Village and Farrington Preserve are asking for waivers to reduce the size of the commercial areas despite what the CCO determined was optimal.

Two additional purposes of the CCO are to "ensure sustainable water provision and wastewater treatment ..." and "protect Chatham County's water quality and water resources." Farrington Preserve is proposing to connect to either Briar Chapel's or Farrington Village's wastewater systems. Both of these systems have serious problems that have resulted in damage to the county's water resources. Both have serious sustainability issues. A decision to allow Farrington Preserve to connect to one of these systems is a short-sighted action with long-term consequences. While StopChathamNorth agrees that the CCO map boundaries need to be cleaned up and agrees that tax parcels that are bifurcated by the boundary lines should be included in the CCO, we oppose adding additional properties to the CCO map. The August 26 *News and Record* article quoted Chairperson Mike Dasher, "I think we need an option for high density development in those areas of the county that the comp plan says we want higher density development ... We have a compact community ordinance that is not a great vehicle for what I think this board wants to see there ... ." At the Board's July 19 meeting Commissioner Howard even "expressed interest in potentially repealing the Compact Community Ordinance." The county is working on a Unified Development Plan that, according to Mr. Sullivan, "is intended to, 'update, modernize and integrate existing regulations into a single user-friendly document. It will also help implement the future vision laid out in the 2017 Plan Chatham document ...'"

Neither Vickers Village nor Farrington Preserve meet all the purposes listed in the flawed CCO as required by the ordinance. Both want to reduce buffers and commercial space. Vickers Village wants to reduce protected green space and recreational facilities within the footprint of the community and Farrington Preserve is proposing to send its wastewater to facilities with serious problems that have a history of damaging water resources. They are therefore not eligible to develop under the CCO.

We ask the Planning Board to recommend denial of the Vickers Village and Farrington Preserve applications to expand the CCO MAP. We further ask that Vickers Village zoning request be denied. We would like for this Board to recommend that both of these developments wait until the Unified Development Ordinance is in force and then apply under the UDO.

- Ms. Liz Rolison stated good evening. My name is Liz Rolison. I'm a member of StopChathamNorth and a resident of Briar Chapel since 2014. I'm speaking tonight to ask you to consider a moratorium on development along the 15/501 corridor until a Study Commission can develop sustainable options for providing much needed wastewater infrastructure to northeastern Chatham County. The Fearington Preserve proposal states their intent to request a contiguous service extension to use the Briar Chapel wastewater system for their development. If that fails, they hope to use Fearington Village's system. Both of these systems have well documented problems that each of our communities are struggling to resolve. Allowing Fearington Preserve to utilize either of these systems would be irresponsible and would only make a bad situation worse.

Last fall we discussed the problems with the Briar Chapel WW system. While ONSWC is working to make improvements, so far, the problems have continued. Let me bring you up to date: Briar Chapel has had 33 sewage spills, totaling over 88,000 gallons of sewage most of which flowed into Pokeberry Creek, a tributary to the Haw River and Jordan Lake. Five of these spills have occurred since we met with you last fall. (See attached Sanitary Sewer Overflow) Briar Chapel's WW system has received 24 Notices of Violation (NOV) from NCDEQ, six more violations since last fall. The most recent violation was for the unauthorized discharge of 345,000 gallons of reclaimed water onto Briar Chapel property, all of which went into Pokeberry Creek. This was caused by human oversight when a flush valve was left open for 3 days. (See attached Notice of Violations to Briar Chapel WW System)

Over the last 1.5 years we have received over 400 resident complaints about odor conditions in the area surrounding the WWTP. Currently our WWTP is having to dispose of 35,000 lbs. of sludge per week, a significant source of odors. As volumes increase, this problem only gets worse. ONSWC has committed to install some odor control improvements, but we won't know for some time whether these improvements will solve the odor issues. Briar Chapel has over 300 homes within a ¼ mile of the WWTP. Recently, we saw homes located near the WWTP have their tax valuations drop by an average of 10% and some of those closest to the plant dropped by as much as 18%-22%. (See attached map) Since last fall, ONSWC has gotten approval to double the capacity of the WWTP to 500,000 gpd and a similar increase in the volume of spray irrigation capacity. This additional capacity is fully committed to Newland to provide sufficient capacity to accommodate the remaining commercial and residential development within Briar Chapel.

Newland was allowed to place our WWTP in the middle of our densely populated community. This was a mistake. To allow Fearington Preserve or any other development to utilize our WWTP would be compounding the problem. Chatham County didn't protect us when these decisions were made initially, we need you to step up, enforce the CCO and defend us now. Chatham County needs to develop a long-term plan and adopt a sustainable strategy for wastewater management in NE Chatham County. We need a moratorium until these steps can be taken. Thank you for your time this evening.

- Ms. Donna Sukkar stated Good evening. My name is Donna Sukkar. I'm a member of StopChathamNorth and a resident of Chatham County. I'm speaking tonight to ask you to please consider a moratorium on development along the 15/501 corridor until a Study Commission can be formed to evaluate options for providing wastewater management to support responsible growth that ensures the health, safety, and welfare of the residents of Chatham County. Our reasons for supporting this study are three-fold. First, as we have gotten involved in the wastewater issues in Briar Chapel, we have discovered that several bad decisions were made in the design, construction, and location of the Briar Chapel wastewater system. Our developer located the plant at one of the highest elevations within the community requiring extensive pumping to move sewage to the plant. They used inadequate pipes which over time have resulted in an increasing number of pipe failures and sewage spills. Our developer located homes very close to the plant, which has resulted in continuing odor complaints, health concerns and a de-valuation of properties. A study could help develop guidelines to inform the UDO, which Chatham County could use as a basis for reviewing and approving future proposals for wastewater facilities in the county.

Second, Briar Chapel's plant and other plants in neighboring communities are targets for regionalization as other proposed development in NE Chatham County look for a solution for wastewater. Adding additional development to existing systems that are already having significant issues puts residents at risk. These proposals create an opportunity for developers to continue to build with total disregard for long-term consequences. A study is needed to develop long term, sustainable solutions for wastewater to support growth in NE Chatham County. Third, we realize that Chatham County's current strategy of requiring developers to provide their communities wastewater treatment facilities is not working. Most developers will do only what they have to do to get their communities built, then they will sell the plant and walk away. The problems with these facilities don't show up until years later after the developer is gone becoming both a financial burden and a health risk for the residents. The residents and our environment suffer the consequences.

Currently, NE Chatham County has 12 wastewater treatment plants, all built by developers, and most sold to third parties. Three of these plants which discharge directly into our waterways are not meeting nutrient requirements on a recurring basis. Several of these plants are within 5-15 years of projected plant life (steel plants have a shorter life span). Failure of any of these plants would have a tremendous impact on our residents and the environment. In addition, numerous older and smaller subdivisions in NE Chatham County are on septic systems that are also approaching end of life or need to be upgraded. Members of the Planning Board please support us in standing up a study group to develop a long-term plan that adopts a more sustainable strategy for wastewater management in NE Chatham County. I have submitted a copy of this presentation for your files along with a comprehensive list of the wastewater plants in Northeastern Chatham County highlighting problems and issues associated with each. Thank you for your time this evening.

- Ms. Rose Krasnow stated Good evening. My name is Rose Krasnow, and I reside at 594 Woodbury in Ferrington Village. Prior to moving here, I worked as Deputy Director of the Montgomery County, Maryland Planning Department, so I am experienced with zoning and development. In looking at the Chatham zoning ordinance, I was surprised to see that it says very little about wastewater but let me remind you of what it does say: (Section 8.7) "The lot sizes required for the various districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities, however, may require larger lot areas or, in some instances, not permit development as proposed by a developer."

I fully understand why the Compact Community Ordinance was adopted. I even believe it makes sense in a county as large as Chatham to have some areas where greater density is allowed. But it only makes sense if the necessary infrastructure is in place. The CCO was created to allow Briar Chapel to move forward, and it has become a popular place to live. The developer, Newland, did not shirk from its responsibility; they built a wastewater plant on site. Unfortunately, that system has been plagued with problems, including significant sewer spills and almost constant odor problems. Congruus doesn't even want to build their own plant; rather they have implied they will connect to Briar Chapel's or to Ferrington's. Unfortunately, the wording of the CCO is such that I can see why they thought this was an option. The CCO says: "Wastewater treatment shall occur at centralized wastewater treatment facilities either on-site or at existing, previously permitted off-site facilities." Needless to say, the plants in Ferrington and Briar Chapel have both been so permitted. However, neither was built with the intention of becoming a regional plant. Moreover, Fitch Creations has made it clear that they do not have the capacity to handle additional sewage from outside the community nor do they have any interest in doing so.

- If the County wants Northeast Chatham to grow, they need to acknowledge that a regional treatment plant is needed. Connecting new developments to existing private systems is **not** a regional solution and would place an extremely unfair burden on those existing communities. I should also point out that Amendment D of the CCO, which provides guidelines for wastewater management, says: "Encouraged:

Tie into an off-site **public** wastewater treatment system, if available, to handle the wastewater from the compact community.” Alas, there is no public wastewater system in Northeast Chatham. The Board of Commissioners has recently discussed the possibility of repealing or changing the compact community ordinance. Moreover, the county is just beginning work on a new unified development ordinance. Clearly, now is **not** the time to expand the boundaries of the CCO, which will allow Congruus to move forward with a full development application with higher densities. Now is the time to establish a taskforce to determine the best way to develop a public regional wastewater solution that will serve the best interests of all Chatham County residents for years to come. Thank you.

- Ms. Victoria Shea stated My name is Vickie Shea and I live in Fearrington Village. My comments were going to be on wastewater and the need for a regional public plan, but I understand that now is not the time for that. I think you have received so many emails about wastewater because citizens are concerned that once a project gets some approval, it keeps going and going and eventually becomes inevitable. I was heartened by the first discussion and decision this evening about the project in Moncure. You showed you can stand up to developers who try to gloss over elements of an ordinance they purport to meet but don't. I hope you will be equally perceptive and strong if or when this development **without** a realistic wastewater treatment plan comes before you.
- Mr. Niegel Sullivan stated I am here tonight on behalf of my Mother, Reba Sullivan of 255 Lois Lane. She is a citizen of Chatham County and even more unique that she was literally born on the land that she still lives. She was married to my Father, Lee Sullivan for almost 52 years. Many of you know him personally in his civic activities, one of which is the preservation of Chatham County History as he was the President of the Chatham County Historical Society and served in many other capacities in Chatham County as a citizen and small business man. Sadly, we lost my Father due to a rapidly declining heart on January 13, 2021. One thing that the Commissioners and Planning Board have known for over 20 years is that he has done everything in his power to protect my Mother's property as was and is her wish. When Newland Communities proposed Briar Chapel, they thought it was a good idea to place the waste treatment plant adjacent to Donald Parker's property and my Mother's. As today we can see my Father successfully helped make sure that didn't happen and with the issues the sewer system is having, we are fortunate it is not adjacent to our property.

My Father passed on January 13, 2021 and we were unable to have a celebration of life service and my brother, and I did not even allow family to visit my Mother due to COVID-19. We did not want to lose another parent. An agent of VRC, David Clark felt that it was ok to make a "cold call" on my Mother on February 26, to see if he could talk to her about selling her land. He did this even though vaccinations were not available and put my Mother at risk. He dropped family names that he was working with. She said, "I am not interested in talking about or selling my land". On March 22, 2021, John Folley with VRC again came to our property and found me working. I was very upset and asked, "why after being told not to come to this property again, was he here on behalf of VRC". He said that "his Mother-in-law went to church with my Mother and that he thought that it would be ok to talk to us about a way to help her". He also claimed that he did not know another agent of VRC had been out previously. I told him we were only interested in protecting my Mother's property and nothing else. I met with him on March 23, 2021 with Donald Parker only to see their plans. We at that time said we would accept nothing less than a 300' conservation buffer between our property and any further development, a fence around the entire property and no sewer facility adjacent to our property.

I also told him that we had serious concerns about already increased traffic on Parker-Herndon Road and had there been a traffic study on increased traffic due to 500-600 new houses dumping onto Parker-Herndon Road. On behalf of my Mother, we are opposed to the zoning change to move the already approved compact community zoning line. The question is this, when do you the Commissioners look out for birthright citizens of the county who have served this community faithfully for decades to the benefit of possible future citizens. I hope that you are not putting those that are not here yet before those that are here and have been here. The Compact Community Ordinance

boundaries were clearly outlined by you the Planning Board in 2017. In fact, a comprehensive plan was adopted by the Chatham County on November 20, 2017 and was effective on November 20, 2017. In that plan it states clearly where Compact Communities should be and why it is important to have boundaries around these communities, to lessen the negative environmental impact. Congruus LLC asks for the County to approve an extension on the southern boundary of the current compact community boundary. They have purchased this land and own it outright, which concerns me that they already have assurances that this request will be approved. Congruus, LLC has a plan to clean up Pokeberry Creek. Why is that clean up needed? The reason is the negative environmental impact of Briar Chapel. There is a serious sewer issue with the waste treatment plant in Briar Chapel which has been ongoing for at least the past three years that I am aware of. I have personally seen raw sewer running down the bike trails near the power lines and reported it to the county.

Commissioner Jim Crawford stated on August 16, 2021 Board meeting clearly that he did not see what the issue was and that all land between the Town of Pittsboro line to the Orange County line should be rezoned for compact communities. He also stated that everyone that has been living there wants to sell and they would get more this way. I can assure you that our family and many others that we personally know, have no interest in selling our land. He also brought up the future zoning request that would be coming from the US 1 corridor near Moncure that would be coming up soon. Commissioner Crawford did not grow up here and he obviously does not understand that there are those of us, that want the integrity of their land to be maintained.

Finally, the Parker Herndon Road was and is a farm road. When I was a child, the road was a dirt road and has only changed in that asphalt has been added. The road has become busier and more dangerous, it is the designated route for buses coming to Chatham Grove Elementary school, one of 4 new schools to that geographic area and more growth on a farm road is concerning. The next concern is that if they widen or change the road, the current, many life-long residents lose property to road improvements. I also know that all along Parker Herndon Road, Morris Road and Hamlet Chapel Road that there has been and will continue to be affordable housing. It is there because families have kept their land and given their heirs a place to build their home on. Some of those names are familiar; Burnette, Rountree, Perry, Penny, Parker, Andrews, Sullivan and many more. Congruus LLC claims that they are coming in to fix things or make them better. Newland Communities made the same promise with Briar Chapel. A developer is in business to make money as they should for their investors. You as a Planning Board and our County Commissioners have a responsibility to look out for the good of all of its citizens. You developed a Comprehensive Plan and should follow the plan that you developed. I will be placing two documents from March and April 2017 that make it clear that you the Planning Board wanted a clearly draw boundary Compact Communities in the northeastern part of Chatham County.

- Ms. Shelly Colbert stated The Congruus application should be challenged not only by the planning board, but reconsidered by the planning department itself, because the applicant has not in fact met its burden to demonstrate either a need or a desirability to amend the ordinance as proposed, or to address the required infrastructure and other components in the Comprehensive Plan necessary to approve the application. Because of time limitations, I have submitted more detailed written remarks, and I would request that the planning board members consider them, but I would like to highlight those concerns in a summary fashion now: Foremost, this expansion of the CCO cannot be allowed unless the developer can identify how wastewater treatment will be provided to the proposed expansion of the CCO, without negatively impacting other requirements of the CCO, the Comprehensive Plan, and existing neighborhoods. It's simple: the developer doesn't want to build a system—it wants to shift undisputed financial and environmental risks and costs to other communities already overburdened and struggling with poorly designed, complex systems that have a history of environmental violations, rogue operators, and mismanagement.

Unless the developer includes in the application its own affirmative, noncontingent commitment to independently provide wastewater treatment, this proposed expansion of the CCO does not meet the CCO requirements, or the Comprehensive Plan, for required infrastructure and you should recommend rejection of this application. No current wastewater treatment provider – Ferrington or Old North State in Briar Chapel- is able to state publicly that it is capable of expanding its system to include this development, nor has either one publicly indicated an intention or willingness to do so. My interpretation of that reticence, apart from the technical impediments to expansion that I will mention in a moment, is that neither provider relishes the likelihood of protracted, sustained community opposition and potential litigation if they were to support expansion and regionalization of the wastewater treatments in the neighborhoods they currently serve. Recent decisions from NCDEQ, particularly with respect to the Old North State/Briar Chapel plant, show why: NCDEQ has restricted the spray field component and prohibited the use of open space for recreation west of the plant. Oversaturation is an already a problem and there is no place to expand. In addition, significant violations and fines continue. The most recent NCDEQ Notice of Violation for Briar Chapel was issued due to an unauthorized irrigation discharge of 345,000 gallons that discharged on Briar Chapel property and into Pokeberry Creek from July 11 to July 14, 2021. There are other deficiencies in the application as well concerning traffic, walkability, public transportation, obsolete mixed-use models, and recreation, and I ask that you look at my written comments for additional details.

- Ms. Jennifer Drake stated I am Jennifer Drake, I live at 58 Highveld Avenue, in Briar Chapel. I am speaking as a Board Member and Vice President representing the Board of Directors of the Briar Chapel Community Association and on behalf of our community. I want to express our concern over a suggestion in the “Utilities and Public Services” section of the JUSTIFICATION FOR PROPOSED AMENDMENT TO THE COMPACT COMMUNITIES’ ORDINANCE by Congruus LLC, that the Briar Chapel wastewater treatment plant may be part of a “regional sanitary sewer solution”. Our Board’s sole objective is to caution Congruus LLC and the Planning Board that the Briar Chapel Community Association is strongly opposed to any suggestion that wastewater from any development outside the current boundaries of Briar Chapel be treated within Briar Chapel.

BCCA and its members have been deeply engaged in efforts to improve the wastewater services provided to our community by Old North State Water Company (ONSWC). BCCA’s current collaborative efforts with ONSWC and the developer of Briar Chapel, NNP-Briar Chapel, resulted from an agreement among the three parties in a Binding Tri-Party Agreement, signed October 19, 2020. This accomplished several things, including the withdrawal of an effort by Old North State to make the Briar Chapel plant a regional wastewater treatment facility that would have required a four-fold expansion of capacity to bring wastewater from Ferrington Village and other developments to the Briar Chapel facility. The Agreement formed a Tri-Party Council of senior officials of the ONSWC, the Briar Chapel developer, and the BCCA Board of Directors to help keep all parties informed of the plans and concerns of the other parties and to provide a forum for discussion of issues and joint efforts to make progress on our mutual goals.

The arguments that BCCA made against regionalization in 2020 are still relevant. The Briar Chapel plant is located in the heart of a densely populated, residential community. It shouldn’t have been located here, but we’re doing our best to eliminate the spills and odors associated with its location and operation. The Tri-Party Agreement enabled us to work together with the utility and the developer toward fixing operational issues, as well as upgrading the plant and expanding its capacity to better meet Briar Chapel’s needs. We are cautiously optimistic that the causes of the spills have been corrected and that new odor mitigation measures will result in a better living experience for all our residents. What we don’t want are any further proposals to bring wastewater from other locations, contiguous or not, to Briar Chapel. We’ve suffered enough. But we are making progress on solving our problems ourselves and we will vigorously oppose any efforts to add any other development’s wastewater to our already problematic facility.



- Ms. Pamela Cash-Roper stated I am writing to you regarding the requests from Congruus LLC and Vickers-Bennet Group to extend the CCO boundary via a text amendment. These are reasonable requests that will allow these developers to submit well planned CCO applications to Chatham County instead of a series ad hoc request. I support these requests. As a native of Chatham County whose family has been here long before Briar Chapel or Fearington were a glint in their developer's eyes, I have witnessed firsthand the pros and cons of growth. For example, much of my family's farm is under Jordan Lake, which ironically supplies the drinking water for the residents of Briar Chapel and Fearington. I think we did our part for the region when the US Government came a-knocking fifty years ago. At this point in my life, I can see the benefit of planned growth in areas that make sense in our County such as in and around Briar Chapel and Fearington, while preserving green spaces and farm land in other parts of the County.

I believe this was the intention of the County's Land Use Plan adopted in 2017. Another stated intention of the County's policy makers is to address the real need for affordable housing in our community. I would wager a guess that I am one of the few people contacting your office who actually lives in an "affordable living project" in our County. I live in Bellemont Pointe at 167 Winston Way, Apartment 108 in Pittsboro. This housing has changed my life and provided a safe and affordable place for me to live a place as well for my children and grandchildren to visit and stay. Once you have lived under a limited budget and in substandard housing you will understand the true beauty and importance of safe and healthy affordable housing. It can save your life. It certainly changed mine. I support these potential CCO projects because I see them as a vehicle for our County to get more affordable housing options for our people. These options can be created as a component of their plan and approval by the County.

It is time for those who have much to cooperate and share so that progress can be made on affordable housing and affordable living in our County. This means that my friends and neighbors in Fearington and Briar Chapel need to be forward thinking, cooperate and share. They should fix their sewer infrastructure or work with others who can and stop throwing up roadblocks and kicking the can down the road. This is the only way more affordable and diverse housing can be built and made available to Chatham residents and it is long past time to work and plan together to get this done. Use these CCO projects as a vehicle to work together, solve problems and create something positive for residents up and down the wealth and income ladder.

- Mr. Donald Parker stated he used to live in a compact community in Raleigh and he used to live in affordable housing in an apartment. Everything was within walking distance, and you would park your car on Friday after work and would not move it until Monday morning. Briar Chapel dropped the ball on because you have to drive a mile and a half to get to anything. The problem with Pokeberry Creek is devastating and needs to be addressed. This development will straddle Pokeberry Creek and where will the wastewater run off go and a major contributor to Haw River.
- Ms. Fiquet McIntyre stated we do recognize that Pokeberry Creek is a mess, and it should be noted that Congruus has been engaged with Water Land Solutions on their own with over a year before they even closed on this project, and they are being proactive on the preservation of Pokeberry Creek. There are a lot of questions about the wastewater treatment in that area and they are working with the environmental issues in that area to devise a plan.
- Ms. Stacey Donelan stated I am a seven-year resident of Briar Chapel, and I'd like to voice my opposition to allowing Congruus or any developer permission to connect to our Briar Chapel wastewater treatment plant. I've spoken or written to the Planning Board and the Chatham County Board of Commissioners about this topic in the past (pre-pandemic).

I understand that the Planning Board will discuss an agenda item tonight by the developer Congruus to expand the Compact Community Ordinance and thereby regionalize the Briar Chapel wastewater

treatment plant here in Briar Chapel. I, and hundreds of my Briar Chapel neighbors, vehemently oppose any such regionalization. My opposition is based on many things.

1) Others will have communicated this better than I can, with more direct examples, but our current wastewater treatment plant (WWTP) owned and operated by Old North State Water Company (ONS) has difficulty even safely and effectively processing the wastewater generated by the existing homes in Briar Chapel. There have been multiple, dozens, of sewage spills in our Briar Chapel neighborhood over the last 2-3 years with resultant NOVs from the NCDEQ and many of those spills have reached and entered Pokeberry Creek, causing untold environmental damage.

2) The WWTP was built in a far, unpopulated corner, at the time, of Briar Chapel and incorrectly placed up on a hill. The developer (Newland) may have had plans to build right up close to the plant in future phases, but the general Briar Chapel populace was unaware. Only too late did we realize, by stench and spill, how poorly planned and constructed the WWTP and its infrastructure was. Briar Chapel residents have paid the price for that poor construction and company mismanagement ever since.

3) I sat in at a Bold Construction 'seminar' for their Williams Corner development in 2019, I believe. The representative speaking at that meeting basically admitted when pushed that they did not plan on building any wastewater treatment facility on their property because it was easier and better for them to have that waste carried away and off property...to the existing WWTP in Briar Chapel. Every developer with plans to build in our development zone (business and residential) here in lower NE Chatham seems to assume that they can hook up to the Briar Chapel WWTP. Our facility cannot safely handle the influx of waste from neighboring communities and developments. It can't handle our own, so it will surely buckle under the strain of additional demand and the residents of Briar Chapel will bear the brunt of whatever damage happens in our neighborhood, to Pokeberry Creek, and to our home values.

4) Time and again, Newland has appealed to the Planning Board and the Board of Commissioners to expand their purview beyond what was originally set up in the CCO and CUP. Inch by inch, both entities have given in to Newland's wishes, to the detriment of the Briar Chapel homeowners, and now another developer, Congruus, is asking for the same indulgences. I understand that Chatham County would rather assign the responsibility for future wastewater treatment to an existing facility, but in doing so, our neighborhood is being undermined. Briar Chapel was not a popular option for longtime NE Chatham County locals. While that battle happened long before I moved to NC and Briar Chapel, I can sympathize with them - when Briar Chapel was approved, there were many limits and agreements involved so that even with its large footprint, Chatham residents were given to believe that it would adhere to those original conditions and maintain as green and environmentally sound a community as possible. ONS management and infrastructure, and any developers requesting regionalizing connections to the Briar Chapel WWTP betray the foundational reasons that Briar Chapel was allowed to exist and that many of us moved into the community. I respectfully request and urge the Planning Board to deny Congruus, or any developer, connection access to the Briar Chapel WWTP.

- Mr. John Foley stated on behalf of Aldo Bartolone stated I am writing to you as the soon to be owner of Chatham County parcel numbers 2904, 2905, and 65232. As you are well aware, a portion of these parcels were approved CU-B-1 many years ago by Chatham County for Thomas and Ferrington Developers, LLC. and sit across the street from Ferrington Village. My firm has had a good relationship with Thomas and Ferrington Developers, Congruus, LLC and VRC, Ltd. for many years and we look forward to working with the County and the community to see a high-quality project planned, developed, and built on those parcels as well as the parcels owned by Congruus, LLC. To that end, I am well aware of the proposal by our neighbor, Congruus, LLC., to expand the CCO map via text amendment in order to put all of their property in the CCO area.

This is a reasonable request that I support, and it will allow Congruus, LLC to submit a well-planned CCO application to the county instead of a series of ad hoc requests and one-off proposals for planning approval. Furthermore, the CCO boundary as it sits should likely be extended south and east to Morris

Road in this area to not only include the aforementioned request from Congruus, LLC. for its 184 acres, but also include our parcel numbers 2904, 2905, and 65232 as well. This makes sense and would allow for better small area planning and more coordinated projects that will serve the long-term interest of Chatham County.

- Mr. Adam McIntyre stated his company specializes in restoring, improving, and protecting unique environmental resources and have been working with Congruus, LLC for over a year. I really want to the Chatham County residents to understand the uniqueness of Pokeberry Creek, from Briar Chapel to Andrew Store road Pokeberry is a very impacted and unhealthy stream and does not do a good job of providing quality water. By allowing Congruus to extend this CCO they want us to use our private funds to restore that entire section from Briar Chapel all the way through the Congruus properties. They have 370 contiguous acres, but out of those 370 there is about 90 to 95 acres that would be this entire complex. This is not just about protecting and preserving, but also the restoration and recovery of the area. I cannot emphasize enough what an extremely valuable resource to the people of Chatham county and to this area, it is going to grow and a lot of development in the next 20 years and its ill look very different. Now is the unique opportunity for you take part in preserving, restoring, and improving 95 acres with another 100 acres of Briar Chapel which would make it the largest mitigation site in the entire Piedmont area.

Planning Board discussion:

- Vice-Chair Lucier stated the area that the applicant wants to annex into the compact community ordinance area is not designated as a compact community in the Land Use Plan whereas the Land Use Plan extended it eastward, it did not extend it southward. Ms. Mattox stated a portion of that is within the compact residential area and it is correct that not all of it is in, but a portion is in the compact residential area. Vice-Chair Lucier stated there are 4 lots and 2 of them are dissected by the compact community area that is both in the Land Use Plan and the CCO, but 2 of the lots on the west side of Parker Herndon road are not include in either. Chair Spoon stated that differs from the Vickers Bennett Group in that their property is entirely in the Land Use Plan for the Comp Plan.
- Ms. Weakley stated she has wastewater concerns of course and she also drives Parker Herndon road every day, and her kids go to the charter school and has since the school was built. Parker Herndon road is a very windy rural road that now has a lot of traffic thanks to there being four schools now in that area and that is a huge concern for me and probably any other parent that has to drive that road, in fact there was an accident at the intersection of Andrew Store road and Parker Herndon just last week.
- Mr. Arthur stated what is before us right now is just the expanding of the CCO map and there is no specific wastewater plan before us. If they propose to attach their wastewater to Briar Chapel or Ferrington Village it is not clear to me, but if they do, I do not think either of those facilities are capable of handling anything more. If this item is approved tonight, we have another opportunity when they come in with a site plan and we can discuss if that plan works or does not work. Either way with all the people that wants to develop and live here in Chatham there needs to be a comprehensive plan how to deal with wastewater. I am not in favor at all to attach to Briar Chapel or Ferrington Village.
- Chair Spoon stated it is an important distinction that Vice-Chair Lucier was making that this area was not necessarily specified in the Comp Plan as compact residential, and it is outside of that designation. This ties into Ms. Weakley's scope creep fears and can see that is a bit of scope creep as it was not spelled out in the Comprehensive Plan. This is a multi-level process, and this would allow for them to apply for a compact community for these parcels that would otherwise not be eligible. The parcels that they own within the existing map they could do a project there under the Compact Community Ordinance, but it would not include the 4 parcels south of the map.
- Mr. Frazier stated many of his comments from the Vickers Village item apply to this item as well except living down stream from it. He is thankful for what he had heard about Pokeberry Creek as well. There is no reason to hurry and expand the area on this item as well, one thing that is different is Vickers

Village was a much better location for a compact community. It was right on 15/501, it was between two signaled intersections. The roads out here in this area are very small and the access is much worse and would like to echo Ms. Weakley's concerns about the roads. It should be clear to everybody we as the Planning board do not have the authority to regulate sewage treatment plants. However, what we do have the authority to do is regulate land development, and we can use that authority to make it less likely that a development that will require a sewage treatment plant is approved and I feel we should do that in this case.

- Ms. Hager stated she finds this item different than the other item as well and sees how this can be scope creep. We do have some holes in our CCO and would like to address as part of our UDO process. Ms. Hager stated she would definitely need another meeting to discuss to see if I could approve this item or not. Chair Spoon stated he agrees with Mr. Frazier's comments about the roads and traffic.

Mr. Fogleman made a motion to table this item until the October 5, 2021 meeting, second by Mr. Arthur. Chair Spoon completed a roll call vote, and this item was approved to table 10-1, opposed by Mr. Frazier.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Board discussion of Conservation Subdivision Ordinance Text Amendments

- Chair Spoon explained and discussed the Conservation Subdivision Ordinance text amendments before the Planning board for discussion. There was some board discussion about a couple of the text amendments, and these were addressed and changed as needed.

Motion made by Vice-Chair Lucier to approve the text amendment changes to the Subdivision Conservation Ordinance to present to the Board of Commissioners to request a public hearing to be held, second by Mr. Frazier. Chair Spoon completed a roll call vote and this item passed 10-0 unanimously, Ms. Harrison was no longer at the meeting.

The completed redlined ordinance regulations and guidelines are attached to these minutes that will be presented to the BOC to request a public hearing.

2. Update from the Planning Board liaisons.

- Vice-Chair Lucier stated the Pittsboro Planning Board meeting was not held yet because of the Labor Day holiday and will be held next week.
- Ms. Siverson stated the Agricultural Advisory Board did not meet because of the Labor Day holiday and the Siler City Planning board did not have anything of interest.
- Ms. Weakley stated the Conservation Partnership will have the next meeting on October 21, 2021 and will be a virtual meeting from 9am to 11:30am and the topic is Healthy Yards.

XI. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivision spreadsheet
2. Upcoming September Public Hearings
3. UDO update

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:53 p.m.

Signed: \_\_\_\_\_ / \_\_\_\_\_  
Jon Spoon, Chair Date

Attest: \_\_\_\_\_ / \_\_\_\_\_  
Dan Garrett, Clerk to the Board Date