



Chatham County Planning Board Minutes October 5, 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, Hunter Glenn Planner I, 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 September 7, 2021 Planning board minutes. Motion made by Vice-Chair Lucier to approve the minutes, second by Mr. Andrews. The September 7, 2021 minutes were approved 10-0, Mr. West joined the meeting after this vote.

VI. PUBLIC INPUT SESSION:

There were no residents to speak at this time.

VII. ZONING:

1. 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 Planning Board reviewed this request at their regular meeting on September 7, 2021 and voted 9-1 to table to the next meeting. The board has one additional meeting to review the request.

Comments were received from several citizens as well as concerns raised by Board members. The concerns/items discussed are listed below:

- All of the goals and objectives of the Compact Community Ordinance have not been met.
- County should wait for the UDO process to be complete before approving any additional communities.
- Moratorium wanted for any further development along the northeastern, US 15-501 N corridor.
- Wastewater for developments is not adequate and no additional systems wanted at this time.
- This request does not have frontage on US 15-501 and will bring additional traffic, health, and safety concerns to rural, two-lane roads.
- Boundaries/buffers were put in place with the original approval of Briar Chapel for properties. These additional parcels that are adjacent to these previously buffered areas will remove that protection.
- Two of the proposed parcels are not bisected by the currently approved Compact Community map boundary and shouldn't be allowed as part of this request.
- Environmental concerns about Pokeberry Creek which is already in experiencing environmental impacts from development.

It was noted by the applicant's attorney that they have begun discussions and a plan with Adam McIntyre to protect those resources and are working on a restoration plan for the portions of Pokeberry Creek that runs through their properties.

There was one person who spoke and wanted their parcels to also be included in the map amendment request. However, that will require a separate submission at a later date. Additional parcels cannot be added to this request.

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. Arthur stated it seems that the issue with this is do we want to extend the Compact Community map and if it is decided not to approve that, we could possibly see a standard subdivision on these parcels. Ms. Plummer stated that is correct, they would need to go through standard subdivision procedure to develop those parcels outside of the Compact Community map.
- Ms. Mattox representing the applicant stated she is a land use lawyer and has been practicing in this area for over 30 years and understands the importance and dedication of the Planning board members and thanked them for their service. Ms. Mattox introduced other team members Mr. Voller, Mr. Bowman, and Mr. Moore. Ms. Mattox stated this is just a request to expand the boundary of the CCO, we would still need to come back for rezoning and subdivision site plan in the future. Ms. Mattox showed a slide with the parcels and the CCO boundary map stating there is a significant amount of the parcel already within the boundary area already. There is only about 184 acres that we are asking to add to the CCO map. This request is consistent with the goals of the CCO and the Comp Plan which have similar initiative goals. The goal basically is to allow for more compact mixed use development pattern with a mix of housing types including affordable housing exchange for substantial green space, environmental protection, and community infrastructure in growth areas. We do believe this is one of the key growth areas in Chatham County.

Ms. Mattox stated the planning staff has reviewed and recommends approval of this application. "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 reason the staff came to that conclusion is because they know it satisfies the requirements of the CCO and the Comp Plan, and it will give them and the county a great opportunity to do a large-scale plan on 370 contiguous acres in an area adjacent to existing utilities and precious natural resources to be preserved and where we can provide recreational resources.

Ms. Mattox stated it is clear that more development is coming to Chatham county, the Planning Board has a great opportunity to determine how this property will be developed. Under an expanded CCO it will be a well-planned development with wide buffers, environmental protection, mix of housing types to include affordable housing, and expanded opportunities for recreation. The CCO does provide benefits to the developer, but it is a much more demanding ordinance than a plain standard subdivision. It would be a shame to miss this excellent planning opportunity and end up with a more piecemeal type of development. We could do a development that is within the CCO map, and we could also do a subdivision on the balance of the property, but it would probably include a connection to an existing sewer with more spray fields with large lots and expensive houses, that does not seem like the right result for Chatham County.

- Mr. Randy Voller stated they have spent about two years already on this project. We have done all the boundary survey, environmental work, topography work, title work, stream buffers with the County and the US Army Corps, and we are nearing finished with the EIA study. We do not have any debt on this property and there are no contracts. When you are dealing with my client, they can actually make the decisions and representation to you the Planning board. We have met with affordable housing developers, two different charter schools, we are working with the neighbor and completely funded their investment in county water for the tiny home community on Penny Lane. This investment will also bring county water to long time African American residents who’s well have gone dry in that area. We want to bring onsite farming and a farmers’ market on Old Durham Farm as well as put in a location for transit. There is a lot of benefit to this project and all we are asking for is an affirmative vote from this board so we can come back later with a full CCO request.
- Mr. Lee Bowman stated he is a native of North Carolina and has been in Chatham since 2008 and knows most of the board members for his days working at Briar Chapel. Mr. Bowman helped develop Briar Chapel from 2005 to 2019 and was one of the first residents to call Briar Chapel home. Mr. Bowman stated he is not an owner or a partner with Congruus, he is just a consultant. In 2019 and 2020 Mr. Bowman had worked with the utility company that serviced Briar Chapel and has a unique perspective and insight on the infrastructure challenges of the utility and the solutions moving forward. Mr. Bowman stated he is proud with what he help create at Briar Chapel and looks forward to continuing to do so in that part of Chatham County. His family loves living in the Briar Chapel community and all the benefits of a compact community from riding bikes, school, and walking to friend’s homes. It is a great community that we love being a part of and even moving to a new house within the community. Mr. Bowman stated he is obviously for the CCO and the product it provides. Working as a consultant for Congruus we looked at a number of different options for the property and going the CCO approach is the option that made the most sense to us. The open space requirements is a good example, and the cluster of density really encapsulates the compact community principles in a way that makes sense not just for the land, but also the public benefit too both local and regional. This text amendment seeks to add 180 contiguous acres to the overall CCO boundary map so that these great planning principles can be applied in a consistent, coherent, and thoughtful manner. Adding this acreage to the text amendment will provide a better overall plan for the community than submitting a haphazard project in a variety of phases and pieces. One other example is a CCO will require a perimeter buffer to be placed around the entire assemblage as opposed to a standard subdivision approach which would not require us to do a perimeter buffer. More importantly, a CCO approach in this area would enable us to create many more affordable housing units that would not be created if we

did the standard subdivision approach. Possibly 30 to 40 affordable homes could be created if we were able to add this land to the CCO boundary map. Mr. Bowman thanked the Planning Board.

Public Input:

- Mr. Anthony Carroll stated I am a resident of Chatham County living in Fearington Village. I would like to begin by noting the anomalous – one might say, backwards – regulatory situation, in which a developer can apparently request expansion of the Compact Community Ordinance (CCO) map, and the special high-density zoning it provides, without submitting detailed plans demonstrating that its proposed development will meet all of the goals and policies of the CCO and the Chatham County Comprehensive Plan. I understand that this regulatory situation is not of the Board’s making, and that some may say that the time for the developer to make such a demonstration is at a later stage when an actual development plan is presented for approval.

However, the fact that an application can be made on this basis does not mean that it should be approved, unless and until the applicant can demonstrate how its proposed development will meet all of the goals and policies of the Comprehensive Plan. I would urge the Board to recognize that expansion of the CCO map, and the resulting high-density zoning status granted to additional parcels, is a significant step in and of itself that should not be undertaken without such a demonstration having been made. This is particularly the case where the expansion proposed by Congruus LLC, as its counsel conceded, would expand the CCO outside the area designated by the Comprehensive Plan as “compact residential” (Compact Residential Area), which encompassed a greater area than the CCO, and into the area designated as “rural”, and would dispose of its proposed development’s wastewater at an undetermined offsite location.

I’m not entirely clear about the interplay between the CCO, which was adopted in 2004 to facilitate the Briar Chapel development, and the Comprehensive Plan that was adopted in 2017. The latter seems to have effectively given the green light for expansion of the CCO into the somewhat larger Compact Residential Area that it identifies. The point to keep in mind is that unlike Vickers Village, Congruus is seeking to expand the CCO beyond even this larger 2017 Compact Residential Area, into the area designated under the Comprehensive Plan as “rural”. It’s worth remembering that the number one goal of the Comprehensive Plan, as it reiterated numerous times, is preserving the rural character of Chatham County.

The contrast with the Vickers Village proposal, which the Board approved at its last meeting, is instructive. Vickers Village had already submitted a detailed development plan to the Planning Board. As counsel for Vickers Village pointed out, its proposed expansion of the CCO map lies entirely within the Compact Residential Area under the Comprehensive Plan. The Vickers Village location is served by adequate transportation infrastructure, including two nearby traffic signals, and it abuts 15-501. And, significantly, the Vickers Village plan included provision for dealing with its own wastewater.

Congruus, on the other hand, is proposing a much larger project, a portion of which lies outside the Compact Residential Area under the Comprehensive Plan and in the area designated by the Plan as “rural”. The area is served by less developed roads with poorer visibility – which is to say, rural roads. Congruus makes clear in its “Justification for Proposed Amendment” that it does NOT intend to take responsibility for its own wastewater, strongly implying that it will seek to send its waste either to Briar Chapel or Fearington Village – neither of which is in a position to take it – and otherwise expressing the vague hope for a “regional sanitary sewer solution”.

The Planning Board should not recommend approval of this proposed expansion of the CCO, particularly an expansion outside the Compact Residential Area into rural areas, in the absence of adequate assurance that all of the goals and objectives of the Comprehensive Plan will be met. There is no requirement that the Board recommend approval at this stage. As several Board members pointed out at the last meeting, while the Board may not have ultimate authority over wastewater in the

State of North Carolina, it is perfectly appropriate, and entirely reasonable, for the Board to consider whether adequate provision for wastewater and the other requirements of the Comprehensive Plan have been made in considering whether to recommend approval of a particular application before. I submit that adequate provision has not been made in this case, and that the Board should recommend against approval of this application at this time.

While it might be argued that approval of expansion of the CCO at this time would not preclude future consideration of whether the developer's plan adequately provides for its wastewater or otherwise meets the goals of the Comprehensive Plan, I would point out to you that the developer is already telling you that they plan to place their development in a rural area without adequate infrastructure and to pawn their wastewater off on someone else. There is no reason for additional resources of the County and the Board to be devoted to further proceedings relating to this project unless and until its current defects are addressed.

I'd also like to make clear that I do not oppose development generally, and that I support the policies behind the CCO including affordable housing and open space. I am for well-planned development, and I assume the Planning Board is as well. That is why I believe the Planning Board should recommend against approval of this proposed amendment at this time. Thank you.

- Ms. Victoria Shea stated I live in Fearington Village. I support denser development in this area of Chatham County so that people with moderate or fixed incomes, such as our teachers, nurses, sheriff's deputies, and seniors, among others, are able to find affordable, attractive, safe housing that provides convenient access to their work and NE Chatham's community amenities. What I vigorously oppose is the Fearington Preserve development as long as it does not have a realistic plan for wastewater treatment.

I think you are all familiar with earnest assurances about development plans that somehow morph over time into decidedly fewer desirable projects than were implied in initial presentations. Luckily for Chatham, you have demonstrated that you examine every square inch of a plan and every clause in an ordinance. I urge you to recognize that the proposed Fearington Preserve development has absolutely **no** viable wastewater treatment plan, and therefore should not be approved until it does.

- Ms. Diane Crompton stated I'm a resident of Chatham County and I've lived in Briar Chapel since 2016 and am a member of StopChathamNorth. I'm here to express reasons why you should not consider expanding the CCO map and the 2017 Land Use Map to include an additional 184+ acres off Parker Herndon and Morris roads in support of the request by Congruus. In the last Planning Board meeting several concerns for expanding the CCO were cited, which we agree with:

George Lucier noted that the area requested to be annexed into the CCO was not designated as being in the compact residential area in the 2017 Land Use Map, with the southern portion of this annexation bisecting Parker Herndon AND not suitable as part of the CCO. Several members of the Planning Board also stated concerns regarding the Parker Herndon Road area as part of this annexation, with this being a windy, rural road, with difficult access, making this annexation for placement of roads not suitable for a Compact Community. Importantly, there was also an acknowledgement that this proposal exposed "holes" in the CCO that need to be addressed in the UDO.

In addition to the arguments of the Planning Board: The Fearington Preserve property lies partly IN the Land Use Map and partly OUTSIDE of it. Congruus is asking for the Land Use Map to be extended to exploit this loophole, allowing them to apply under the Compact Community Ordinance to support the plan for dense housing. The boundaries defined for compact communities in the CCO are essentially being expanded to the Comprehensive Land Use Map, nearly doubling the area allowed for compact residential. Further extension beyond the Land Use Map creates a slippery slope by opening the door to further expansion of the compact residential area.

This plan to cram as many residential units as possible into this small space will eradicate the well-established, rural nature of the non-CCO areas around Andrews Store and Parker Herndon Road. This

expansion of the CCO will exacerbate and worsen environmental and infrastructure vulnerabilities that already exist in the surrounding areas, including wastewater and roadways. This includes the location of the development upstream, at headwaters, thus increasing the likelihood of damage to our water supply and the environment. This will come at a cost to your constituents in these areas both in and outside of the CCO area. We argue that this proposal will stress a region of the county that does not have sufficient infrastructure in place today for this kind of growth and density.

In closing: The Comprehensive Plan is being used as a thinly disguised “back door” to get around the provisions of the CCO. The proposed text changes by Vickers Village further undermine the CCO, watering down the requirements of where a compact community can be located. In keeping with a sentiment shared in the last Planning Board meeting, the authority of the county can be used to regulate the responsible development of land. By approving this annexation of land for Congruus and Vickers Bennett, this essentially creates a “swinging door” for other developments to exploit the holes in the CCO. If Chatham County approves this expansion, this will set a precedent of encouraging other developers to further exploit these same loopholes to expand Compact Community boundaries unfettered, without checks and balances. This trend for unfettered development will not move the needle in a positive way. The county will be seen as wholly centered on the fulfilling the needs of developers with little regard for its citizens.

- Ms. Donna Sukkar stated good evening my name is Donna Sukkar, and I am a resident of Chatham County and a member of StopChathamNorth. I’m here tonight to talk about the proposal for Fearington Preserve. SCN recognizes that the project offers the residents of Chatham many benefits to include affordable housing however we remain concerned about the lack of infrastructure to support this development, specifically wastewater facilities. It is our understanding that Mr. Voller has proposed a regional on-site wastewater treatment plant in Fearington Preserve that would provide a sustainable solution for the northeast Chatham County area. Included in that proposal is repurposing the Briar Chapel wastewater plant and decommissioning and/or reutilization / reimagining of the Fearington Village wastewater plant and service to replace surrounding aging septic systems.

While we applaud and support the effort to find a long-term sustainable wastewater solution for northeast Chatham County, we recognize that this proposal is currently just an idea on the table and has not yet been vetted or even discussed with the primary stakeholders. As a result, we are concerned that it is highly unlikely that this “idea” can be progressed in time to meet the development timeline for Fearington Preserve. In Mr. Voller’s statement to the Planning Board, he recognizes the need for “mutual cooperation among and between current private wastewater treatment owners and operators” and “presumes utilizing Fitch Enterprises current discharge permits. To date, there have been no meaningful discussions on this proposal between Congruus, ONSWC, and Fitch Creations and no discussions or applications to NCDEQ and NCUC. This proposal can best be described as a “wish list”, rather than a vetted, well-thought-out proposal.

This proposal is quite clear that “absent a consensus” for a regional Fearington Preserve wastewater plant, secondary and tertiary options will remain on the table for Fearington Preserve, namely connecting to ONSWC as a contiguous property within their extended service area and/or a small Fearington Preserve-only wastewater treatment plant. SCN is here tonight to oppose any proposal that would include any consideration for connecting to Briar Chapel’s wastewater plant. Briar Chapel continues to have infrastructure problems to include sewage spills – the most recent on September 28th – and because of the location of the wastewater plant, in the middle of a densely populated residential community, the plant operates daily in violation of the terms and conditions of the DEQ permit by creating nuisance conditions for the residents of Briar Chapel due to continuing odor issues. SCN applauds the concept of a sustainable wastewater solution for northeast Chatham County but let’s recognize that this is an “idea” that needs a lot more work before it can be seriously considered. In the meantime, Fearington Preserve is pushing to move ahead with development and will need a near-term wastewater solution. We believe it is unlikely that Congruus will be motivated to push this “idea”

forward once they have obtained access to another solution. As a result, we remain firm in our opposition to using Briar Chapel as either a short-term or long-term solution for Fearington Preserve's wastewater needs. The state regulates wastewater, but it is the county that decides whether to approve new development based on the needed infrastructure. We're counting on you to make the right choice.

- Ms. Rose Krasnow stated I am a resident of Fearington Village and I testified on the Congruus proposal at your September meeting, making it clear that I did not see how they could be allowed to add this additional land to the Compact Community Ordinance map when they clearly had no plan for disposing the wastewater that would be generated by the denser development that would then be allowed. I recently learned that they are now saying they will donate a piece of land for a regional plant, but I have to say, quite strongly, that this is a ploy to gain approval and cannot be taken seriously at this point.

Jim Flood said the following: Based on a continuing dialogue with community members and stakeholders, our first option for waste water treatment for the Fearington Preserve (FP) project has evolved to be an on-site Waste Water Treatment Plant (WWTP) that would provide a broader, more sustainable solution for the northeast Chatham County area. A FP-sited plant presumes appropriate connections utilizing Fitch Enterprises' current discharge permits.

Please note that Fitch Utilities (they don't even have the name right) has said they are not interested in such a connection. Moreover, Congruus did not say they would build the plant, they said they will provide the land. Yet, if you look at the land they have designated, it is surrounded on two sides by streams, meaning that it is not particularly suitable for housing. Moreover, the necessary piping for the proposed treatment plant would have to cross these streams, which the state is unlikely to approve. Please don't be deceived by what they are saying. They call this a regional solution because they say it will lead to the repurposing of the current Briar Chapel WWTP and the decommissioning and/or reutilization reimagining of the FV WWTP but this, too, is highly unlikely. Moreover, while the language sounds good, the owners of these two plants have not discussed or agreed to any such thing.

Finally, and here is the kicker, the last paragraph states that they will offer this for consideration to the soon to be formed WWT Study Commission, but, and I quote: "Absent a consensus for this regional FP-sited plant, of course secondary and tertiary options will remain on the table for FP, including connecting to Old North State as a contiguous property within their defined Extended Service Area (ESA) and/or a small FP-only WWT plant with a spray field as well as the potential for individual septic fields serving individual lots." In other words, they are hoping to get support for their CCO application by putting forth a WWT plant that is most unlikely to be approved, but this will basically clear the way for them to eventually connect to the Briar Chapel Plant. A trojan horse if I ever saw one. Thank you.

- Mr. Jerry Cole stated I live at 485 Wildwind Drive in Briar Chapel. I am a member and Secretary of Board of Directors of the Briar Chapel Community Association. I am here to represent the Board and acting in the best interests of the health, safety, and welfare of the lot owners and residents of Briar Chapel. 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 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 our utility, 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 as spelled out in the Binding Tri-Party Agreement, signed

October 19, 2020. The Agreement accomplished several things, including the withdrawal of an effort by Old North State to make the Briar Chapel plant a regional wastewater treatment facility. This would have required a major expansion of the capacity, far beyond Briar Chapel's needs, and would have brought wastewater from Fearington Village and other developments to Briar Chapel for treatment. But our Agreement brought that to a stop. Now, BCCA, the utility, and the developer are working collaboratively to upgrade the current wastewater treatment system and to mitigate odors at the plant. The current project will provide just enough treatment capacity and spray field capacity to meet Briar Chapel's needs and no more. Hopefully, this work will be completed by the end of this year.

The arguments that BCCA made against regionalization in 2020 are the same now as then. The Briar Chapel plant is located in the heart of a densely populated residential community. It shouldn't have been located there, but it was, and we're doing our best to work with our utility and developer to eliminate the spills and odors associated with its location and operation. We are not asking the County's assistance, but we don't want the County to make our job harder by even considering requiring wastewater from outside Briar Chapel to be treated at the Briar Chapel plant.

We don't want 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 facility.

- Mr. John Foley stated he is an employee of VRC and represent Congruus LLC. VRC met with a company last week called Third Wave and they have completed very successful work for us in an apartment complex in downtown Pittsboro and it filled up right away. We expect the same thing for the affordable housing for the Fearington Preserve and we have plans for a community along Andrews Store Road in front of the four schools. There are not any planning affordable housing projects in north Chatham so it will be an advantage. The Chatham County commissioners have approved a sales tax hike and that sales tax helps provide for affordable housing funds. On behalf of Congruus and VRC we ask that you consider this proposal we have in front of you.
- Mr. Niegel Sullivan stated he had been in Chatham county his entire life and his father has worked with these developers before and we are against so many of the things they are talking about. Such as unregulated waste treatment being pushed into Pokeberry Creek, if it had been cats and dogs rather than cattle that had died everyone would be upset. Pokeberry Creek was killing cattle and we have not discussed that. This Planning board designed this CCO to protect the integrity of Chatham County, 184 acres is a big deal because the creek comes with it. We have not even talked about what they are proposing yet and they are already adding on going all the way up to Hwy 15/501. My father was decades ahead of this, he said why is Chatham County running county water all over the county and not coming up with a waste treatment solution. When we were running water 30 years ago, we should have been coming up with a regional wastewater treatment facility. We have kicked the can down the road for 30 years and this board has a chance to control it. It is up to the board to deny the creep, you are all appointed by democratic county commissioners and the platform of the North Carolina democratic party, one of the top three things is the environment. Mr. Sullivan challenges the board members to consider that as they make these decisions. The area is growing, and we all know this, what are we going to drink in another 30 years down the road. The water that comes out of Jordan Lake, is it water? The Town of Pittsboro is considering suing the municipalities up the road because they are polluting the water we drink. If you are comfortable with that approve it, if not hold firm and we will support you.
- Ms. Shelley Colbert stated if we look at the map and how this area is going to be expanded, the developer says it is just adding to the map, but once you do that, then we will do this. The citizens are saying once you add this to the boundary then you will have these problems associated with it. Extension of the Compact Community Ordinance for the map itself makes no sense if you are going to put compressed development without infrastructure. Ms. Colbert asked the Planning board to do the right thing and thanked the board.

Planning Board discussion:

- Vice-Chair Lucier stated he had a few issues with this request and does not mean to question the intent of the developer and believes their intent is good, but we are charged with coming up with recommendations that are clearly supported by the best interest of Chatham County. Two of these parcels are neither bisected or included in the Chatham County Land Use Plan of 2017 or the CCO map that was done in 2005. Vice-Chair Lucier understands what Ms. Plummer had stated about this request, but feels we need to see a site plan that justifies the expansion of those compact community boundaries before we approve that expansion. We have to remember the compact community allows two houses per acres where R1 is just one house per acre. By increasing that map as requested to include those parcels, we are doubling the density of those properties. An increase in density raises concerns about the traffic along Andrew Store Road and Parker Herndon Road, we already have four schools, and the large compact community Briar Chapel just off of Andrew Store Road which is a direct access to Parker Herndon Road, and we do not have any information on a traffic impact analysis we certainly would like to see. We have to remember 387 acres in a compact community could have 774 potential residences.

Vice-Chair Lucier stated he is also concerned about Pokeberry Creek, it has already been damaged by the Briar Chapel situation and understands that the intent of the developer is to work on a solution to improve the creek, but we do not see that or what those options really are going to be. The wastewater issues been brought up to a great extent and believes it would be a mistake to double the density of that area with no apparent wastewater solution. Vice-Chair Lucier stated we do not have enough information at hand to make a decision to move forward on expanding that map at this time. Chair Spoon stated he agrees with Vice-Chair Lucier on the lack of specificity.

- Mr. Andrews stated he does not understand how we are giving up our review. With a background in real estate, if they are restricted to 1 acre lots on those other parcels, they will be \$700,000 to \$1,000,000 homes and that is not affordable housing, and that is what the developer will have to do. We need to look at what they are entitled to do now and how we could be involved in the decision-making process in the future, open space is a consideration. On the other half they are either going to tap onto another wastewater treatment facility or create one themselves. Then with what remains they are going to have individual septic and to the people that want to save the creek that will be an awful lot of septic systems in that area. That is what they are allowed to do by right at this moment. Mr. Andrews stated he does not see how we give up our rights in the decision-making process to include these parcels in the CCO map and that is my position.

Chair Spoon stated he understands what Mr. Andrews is saying and we would not give up our right to review it, there would still be a rezoning and plat approvals, but as Vice-Chair Lucier has said, once we were to pass this text amendment those large parcels would forever be part of the CCO map, and they would be entitled to a different set of rights that they could apply under. The big difference between these two CCO applications is the one we reviewed last meeting had all of their parcels within the Future Land Use map and designated as compact residential under the Comprehensive Plan and this application going south of the boundary for the CCO is not included in the future high density residential. The roads in that area are also a big concern, those two rural roads are up to what could potentially be close to 800 units.

- Mr. Frazier stated one of the major concerns almost every speaker has brought up has been wastewater disposal. The county commissioners at their last meeting moved to set up a commission to study the issue and make some recommendations. Let the developer go to that commission with their proposal and see if they can do something. We will have a lot more clarity on wastewater issues before very long. We should not approve this application now, we should wait. Chair Spoon stated in this application there was a mention of a parcel to the east that would also potentially be part of the CCO

and if this application was coming in with a site map that had a very well-defined regional solution attached to it, that would be a different consideration process.

- Mr. West stated this is an opportunity to examine on a case-by-case basis and does not see any forgoing of our responsibility by approving this request and allowing it to come forward with a rezoning request and that might be the best way we can exert the most control over this situation.
- Ms. Siverson stated if this item is not approved, and the BOC follows our recommendation they can always do what the Vickers Village had done and come to the board with a full plan so we can decide whether or not that is something we would be willing to expand the boundary of the CCO map. Ms. Siverson feels she cannot do that without a specific plan.
- Ms. Deborah Granger a resident stated she lives behind the Fearrington Village wastewater treatment plant, and it is possible to live behind a plant for 22 years with very few problems. I am the only person from Fearrington Village to speak before the NCUC hearing on January 14, 2020 and I opposed the Briar Chapel – Fearrington Village merger and I continue to do so with any other development. In that process there was an easement waiver through a buffer which is a bad precedent to set because what that meant was it opened up a route going through the oldest section of Fearrington with a force main and a sewer route very close to gas, water, and electricity. Ms. Granger suggested the board read her submitted notes. The other issue is the discharge permit which is very valuable since it seems to be the only one in north east Chatham that can discharge effluent into the surface waters of Jordan Lake. It is a 500,000 gallon per day limit and Fitch utilities has about 270,000 gallons per day locked up at buildout. So, what about the 230,000 gallons per day on the permit? Ms. Granger stated for many reasons she does not support any sort of merger or any wastewater coming from anywhere outside Fearrington Village. Something we need to think about is, will any more discharge permits be issued, not likely. There also needs to be some serious consideration for water reuse and how water can be reused, and Ms. Granger stated she provide different options in her notes. She thanked the Planning board for their time.
- Ms. Weakley stated in our Land Use Plan in chapter 4, on page 61, under Land Use - Big Idea, “70% of new development is in municipalities and in or near county centers.” and Land Use Policy 1 states, “Coordinate with towns to direct new development in the County toward municipalities where utilities and other municipal services can support such development.” Ms. Weakley stated she is concerned about scope creep with the extension of the map amendments for the CCO and in this area in particular very concerned about the roads and the traffic. Ms. Weakley stated she would like to see more affordable housing in the county as many would, but this is not the right place for compact development given the lack of infrastructure and the problem with traffic and the roads. As far as scope creep it was mentioned that developers were also interested in expanding that are adjacent to these properties. Ms. Weakley stated she agrees with what others have said and we need to see a plan. There is also new information tonight such as the two charter schools interested in the site. Ms. Weakley stated she is not incline to vote to approve this item.
- Mr. Arthur stated the comments from Mr. Andrews and Mr. West give him pause because if they are part of the CCO we can hold them to tighter restrictions. If they come in with a standard subdivision it will have septic and if they are approved to the CCO then they still need to bring forward plans for us to review. Vice-Chair Lucier stated yes, we can, but there is nothing from keeping Congruus from coming up with a site plan that we can review and that is what the Vickers Bennett Group has done. They have every right to put together a site plan for a compact community and request the expansion of the compact community boundary at the same time. Vice-Chair Lucier stated in his opinion without seeing that and the information on the wastewater treatment plant that we should not expand the CCO boundaries past what is allowable now of the Compact Community Ordinance or the Land Use Plan, which is expanded quite a bit to the east, but it did not expand this part. Some of these parcels are totally outside the boundaries of either the CCO or the Land Use Plan that was adopted in 2017. We should not add the potential to greater density until we see what the site plan is, review the site plan,

and have a traffic analysis completed, environmental issues, and see if the wastewater treatment is adequate. Mr. Arthur stated he sees the Vice-Chair's point but is nervous they come back with a standard subdivision with septic.

- Ms. Hager thanked Vice-Chair Lucier for his statements because she was given the same pause as Mr. Arthur. She is also concerned about affordable housing and losing the ability to review under a different set of rules that could be better. Also, more information and a plan brought to the board would be very helpful to justify the boundary extension.
- Mr. West stated he understands Vice-Chair Lucier's point but takes the opposite view where we as a board can review these items in a case-by-case basis regardless, so it makes more sense to me to let them present their application to us under the CCO rather than reject it all together and put them back to square one. The developer will have to come back to this board with the proper plans and procedures and taking everything we have heard from the public, particularly the wastewater. Vice-chair Lucier stated we have two other applications we are looking at now the Vickers Bennett tonight and the Herndon Farms application and they both requesting compact community approval, but they are coming to us with a full site plan that we can look at and see if we would want to expand the current boundaries of the CCO map. Once we open the door to increased density you want to make sure that the plans are in place to handle it adequately.
- Ms. Plummer stated Vickers Village already came through with their text and map amendment which has been reviewed by this board and that has to come first before a plan for rezoning and subdivision with all the plans and information. If the board recommends denial for this map amendment, they cannot come back with a plan for the CCO because the properties will not be included. Vice-Chair Lucier stated they would have to split it; the northern part of their property could be a compact community and the southern part would have to be a conventional subdivision. Ms. Plummer stated Vickers Village did come first with the text and map amendment to the CCO before their rezoning. Vice-Chair Lucier stated they also brought a plan and there was a public hearing for their rezoning.
- Chair Spoon stated this has been a good discussion on complicated issues with a multi-step process as we try to assert ourselves on behalf of the citizens of Chatham county.

Vice-Chair Lucier made a motion to deny this application. Motion was second by Mr. Fogleman. Chair Spoon conducted a roll call vote, and this item was not approved, 8-3, opposed by Mr. Andrews, Mr. West, and Ms. Harrison.

2. A legislative public hearing for a request by the Vickers Bennett Group LLC for a Conditional District Rezoning from R-1 Residential to CD-CCO Compact Community being approximately 101.8 acres located off US 15-501 between Vicker's Rd and Jack Bennett roads, Williams Township.

Ms. Plummer stated a legislative public hearing was held on August 16, 2021. Planning staff exercised their option for a month postponement to review information obtained at the public hearing and any subsequent information that has been requested and received. Planning staff and Commissioners have received fairly equal responses for support of the development as they've received recommendations for denial.

The Planning Board previously recommended approval of a map and text amendment to the Compact Community Ordinance to allow the integration all this project's property into the area that is eligible for a compact community rezoning to be submitted. This area does fall within the Compact Residential node of the Chatham County Comprehensive Land Use Plan. Those maps are shown below for reference.

The Compact Communities Ordinance (CCO) was adopted in 2004 to address Briar Chapel and certain sections are outdated based on other regulations that have been adopted in the intervening years. For

example, the stormwater and riparian buffer provisions of the CCO are no longer applicable because of other ordinances that have been adopted or amended since 2004 that apply countywide. The CCO was also designed for projects with a bigger footprint and developers who are now submitting applications for smaller projects under the CCO are requesting waivers of the standards because of site constraints and limitations. This application includes several waivers that are described in the CCO response and are listed under Section 15. Section 15 of the CCO provides a mechanism for applicants to request a modifications, reductions, or waivers of provisions of the CCO. If the board is in agreement with the waiver requests, they can be incorporated into the conditions of approval.

Application details -

Current zoning: R1, Residential

Proposed zoning: Conditional District Compact Community

Water: Chatham County

Sewer: Private wastewater treatment system with spray irrigation

Acreage: approximately 101 acres

Proposed dwelling units: 203

Proposed non-residential acreage: 20,000 square feet

To consider a rezoning to Conditional District Compact Community the standards and requirements for the Zoning Ordinance and Compact Communities Ordinance must be met. Additionally, the rezoning application should include support from the goals, guiding principles, and strategies of Plan Chatham. The supporting information provided by the applicant regarding the Compact Communities Ordinance are attached as a separate document. Any discrepancies or lack of support noted by planning staff will be included in the notes.

The Chatham County Appearance Commission reviewed the proposed concept plan on June 23, 2021. Their discussion included plant types and alternatives. One agreement between the applicant's representative and the commission is to have a 55-foot perimeter buffer instead of the 50-foot proposed by waiver. The submitted site plan does reflect that agreement as shown below in the concept plan.

WAIVER

9.2 Perimeter Buffer – The applicant is requesting a reduction of 50% along Jack Bennett Road, along Vicker's Road, and adjacent to other commercial property and mobile home park. All other areas will meet the 100-foot minimum requirement.

WAIVER

9.3 Viewshed Buffer - The applicant is requesting the area along US 15-501 around the corner of Jack Bennett that will front on the commercial portion, be reduced to the 55 feet agreed upon with the CCAC.

A Community Meeting was held on June 28, 2021 for this project. The report was provided in the application submittal packet. Four changes were agreed upon as a result of this meeting. They were:

- Southeastern land plan modified to move the WWTP and irrigation ponds to more internal location.
- Laney property acquired by applicant in order to alleviate proximity to WWTP and irrigation ponds.
- 100-foot perimeter buffer added to southwest corner near Driscoll property.

Two-acre parcel on Vickers Rd conveyed to Laney's and the five single family lots previously shown there were relocated to Jack Bennett side.

Property may be rezoned to a conditional zoning district only in response to and consistent with an application submitted in compliance with Section 5 of the Chatham County Zoning Ordinance. The findings are as follows:

1. **The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reason how the proposed amendment will correct the same.** The applicant is claiming no error in the Ordinance. The proposed use of Compact Community is allowed under Section 10.11 of the zoning ordinance.

Planning staff thinks this standard has been supported.

2. **The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.** In November 2017, the Board of Commissioners adopted Plan Chatham. This plan created a road map to guide development to areas best suited for various types and mixes of uses.

A Market Analysis has been provided and the applicant contends based on growth rates in the county and lack of townhomes, the proposed development will offer an additional housing type other than detached single-family dwellings that have been the majority of housing offered in the county. The offerings include townhomes and condominiums over business. This project has a reduced amount of commercial space than would normally be seen in a compact community due to the limited acreage for the development. A waiver has been requested to have the reduced commercial area also because the proposed development is a much smaller scale project than those with more acreage and numbers of homes.

WAIVER

6.5 Minimum Commercial Area – The minimum required square footing is requested to be reduced from 100,000 sq. ft. to 20,000 sq. ft. due to the smaller development footprint of this project. The timing of commercial development in connection with residential dwelling units is not feasible and is also requested to be waived.

An Environmental Impact Assessment was prepared by Sage Ecological Services, Inc., and peer reviewed by Johnson, Mirmiran & Thompson, Inc. There were several items that needed further review and corrections. On August 16, 2021, JMT advised their subsequent review was complete and that the EIA satisfied the requirements of the regulations and was considered complete.

There have been several meetings between County staff, County Attorney, and the development team regarding the Affordable Housing needs and compliance with Section 12.3, Housing, and the affordable housing requirement. A report from Stephanie Cruz-Watkins with the County has been attached. There is also a proposed condition where the county and applicant will enter into a contract regarding a “payment of support” affordable housing within the development. This contract is proposed to be decided between the County and the developers with hope of providing up to nine (9) townhome units under the Affordable Housing requirement. This item has been conditioned below.

WAIVER

The applicant has requested a waiver (Section 15 of the CCO, 12.1 Performance Standards) for a reduction of housing types from three to two. An apartment complex would not fit well into this village. They have offered two different sizes of townhome lots and single family lots to meet the requirement for including a variety of housing types in a compact community.

This project is projected to create approximately 49 permanent employment opportunities. No public improvements will be needed by the County. The developer will install and connect to the County water line located on US 15-501 and will construct a state regulated wastewater treatment plant and system to be operated by Aqua North Carolina.

WAIVER

12.1 Performance Standards – A transit stop has been included within the development and approved by the Chatham County Transit Department. The waiver is to not require park and ride lots as it is not needed.

WAIVER

12.1 Performance Standards – Narrow streets – Compliance with NCDOT and the Fire Marshal of Chatham County must be met. Alleys, private roads, and satellite parking will be dedicated to the HOA.

WAIVER

8.5 Posting of Financial Guarantee – The applicant asked that in lieu of this statutorily prohibited requirements, that the restrictive covenants will provide for a reserve fund.

It is planning staff opinion that additional discussion is needed to clarify the affordable housing proposal.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof. The county’s comprehensive plan, Plan Chatham, was adopted in November 2017. A future land use and conservation map was also included, and it identifies areas of the county where more intensive development may be supported under certain circumstances. This proposal is located within the area noted for mixed use and compact communities as shown on the map included in the Introduction & Background.

Chapter 2 of the Plan addresses the problem of housing mix disparities existing in the County. This project will offer 111 townhomes to increase these units that are currently about 5% of the total housing units. Chapel 2 also includes that up to 57% of Chatham residents commute outside of the county for work and retail. This project anticipates up to 49 jobs which will help to offset the jobs and retail imbalance that currently exists (pg. 16).

In regard to Parks and Health the development plan includes a trail network through the open and conservation spaces as well as walkability within the development from the residential areas to the commercial area. This also supports Parks and Recreation Policy 3, p 122, by increasing the number of milage of trails and greenways.

Please review the spreadsheet in the Required Information Narrative, Item C Plan Chatham Chapter 3: Goals/Objectives and Land Use Descriptions for more details and support from Plan Chatham. Mixed use developments are encouraged within Community Center nodes as shown in Land Use Policy 3, page 63. Land Use Policy 4 provides for the opportunity to incorporate transit stops which the developer has had reviewed by Chatham County Transit and as shown on the site plan.

It is planning staff opinion this standard has been supported.

4. The requested amendment is either essential or desirable for the public convenience or welfare.

A Traffic Impact Analysis (TIA) was provided, and peer reviewed by Gannett Fleming and found to be in reasonable conformance with NCDOT Congestion Management guidelines.

The Fiscal Impact Analysis was provided, and peer reviewed by Tischler Bise and found to bring a positive impact to the County.

This request also supports several goals and objectives that have been put into place for residential mixed-use growth as stated in the supporting information for standard #3. Vickers Village also provides an opportunity for a different housing model than normally submitted for consideration by the county and is within an area shown on the future land use map. There will also be job creation which is noted in several sections of Plan Chatham.

The site plan shows one 70' right-of-way with the remaining being 60' wide. The road cross sections provided with the First Plat application and more specifically the First Plat Details sheet dated July 23, 2021 indicates that the 70' right-of-way can accommodate on-street parking. This cross section only applies to entrance road accessing 15-501 and none of the remaining roads in the development. Planning staff has concerns about on-street parking with the development on the 60' right-of-way sections which has been an on-going issue within Briar Chapel. A condition has been provided requiring the applicant to meet with the Fire Marshal and North Chatham Fire Department to find a mutually acceptable solution to address emergency vehicle access within the development prior to preparation of construction drawings for the Construction Plan in the Subdivision Regulations. This may include changing the 60' cross section to 70' in certain areas of the development or additional off-street parking being provided in the development.

The CCO requires sidewalks within the development, and it is staff opinion the following condition be included: Sidewalks will be provided along both sides of all streets with residences or other buildings fronting them. Sidewalks will be provided along one side of all other streets that provide connections within the community but do not serve as building frontage. Street trees, either planted or preserved, will be provided along all streets. If these tree plantings have not been reviewed and approved by the CCAC, they must do so before plant selection is made.

It is planning staff opinion this standard may be supported with conditions.

5. All other circumstances, factors, and reason which the applicant offers in support of the proposed amendment. The Chatham County water system will serve the development and there will be three access points to existing roads: one each on US 15-501 N, Vicker's Road, and Jack Bennett Road. Stormwater standards will follow current regulations and are to be complied with at all times.

The applicant has also provided CCO Compliance Response to each section of the ordinance. Please note that sections 8, Stormwater and 9.1, Riparian Buffers, are now superseded by the Chatham County Stormwater Ordinance and the riparian buffer standards in the Watershed Protection Ordinance. Planning staff also encourage board members to review Section 12, Community Design, and Attachment B, Compact Community Design Guidelines, in evaluating the application. There are seven waivers requested by the applicant that have been included in these notes for consideration.

It is planning staff opinion this standard has been supported.

Planning staff recommends approval of the rezoning contingent on resolution of a mutually acceptable condition addressing the affordable housing requirement of the Compact Communities Ordinance.

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

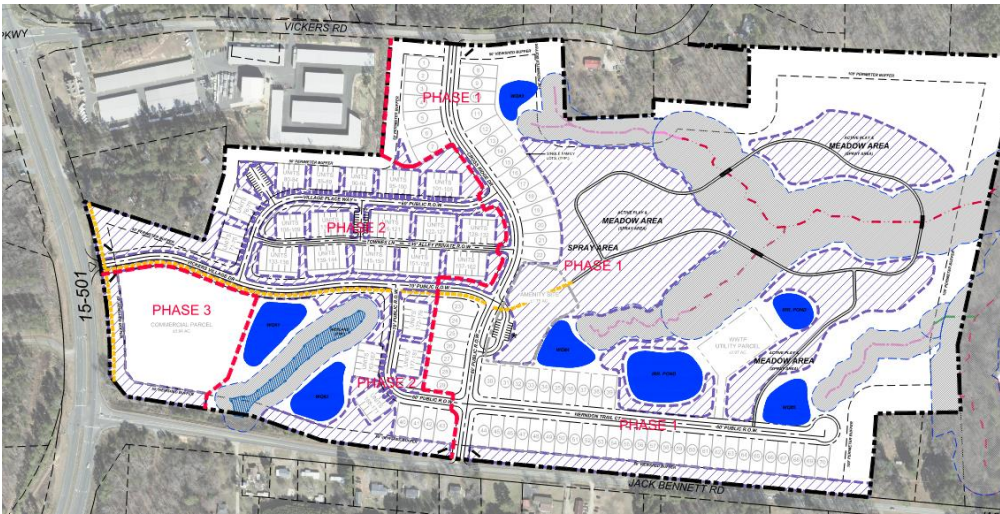
Should the recommendation be for approval, the following consistency statement is provided for your consideration.

“The requested conditional district rezoning meets the intent and spirit of Plan Chatham by (a) being located within an area identified by the Board as acceptable for further development of compact communities and (b) has supported the goals and objectives of the Plan and the Compact Communities Ordinance.”

The following conditions are hereby incorporated into the approval:

Site Specific Conditions

1. The Master Plan, attached as Exhibit A, shall be the guide for all phases of the development. Any modifications, changes, alterations not allowed by administrative approval, must be resubmitted as a CD-CCO Revision and all submittal requirements followed.
Total project area = 101.8 acres
Maximum Impervious Surface = 24%
Total Number of Dwelling Units = 203
2. The site plan/s for the commercial areas must be reviewed by the Chatham County Appearance Commission.
3. Landscaping/Screening. All required screening and buffers shall be in place prior to issuance of a certificate of occupancy or next optimal planting season after issuance of a certificate of occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffer requirements of the County. The extent to which the same can be used shall be determined by the Planning Department prior to issuance of the certificate of zoning compliance. It is strongly recommended that existing native vegetation be preserved where practical. Grading within buffers will be done in compliance with approved erosion control plans.
4. All required permits and/or authorizations from local, state, and federal agencies shall be submitted as part of the platting process and prior to any land disturbing activities covered under current ordinance, law, or regulation and before any such zoning determinations are approved. This includes but is not limited to Zoning, Planning, Building Inspections, Environmental Health, Fire Marshal, NC Department of Environmental Quality, NC Utilities Commission, Watershed Protection, NC Department of Transportation, Utilities, etc.
5. Phasing – Phasing is permitted with this approval. The development schedule states the following and shall be followed unless a new phasing schedule is approved. It is:
6. Phases 1 a, b, and c – at least 66 lots Final Plat submitted by 12/31/2024 (may be broken into sub-phases)
7. Phases 2 a, b, and c – at least 115 lots Final Plat submitted by 12/31/2026 (may be broken into sub-phases)
8. Phase 3 – Commercial lot by 12/31/2027



9. The trail system shall be installed and accessible before or at 50% of lots have been platted.
10. Sidewalks will be provided along both sides of all streets (but not alleys) with residences or other buildings fronting them. Sidewalks will be provided along one side of all other streets (but not alleys) that provide connections within the community but do not serve as building frontage. Street trees, either planted or preserved, will be provided along all streets.
11. Solid Waste Management. Solid residential waste is managed and shall continue to be managed by residential curbside recycling and solid waste pick-up. With regard to construction debris and non-residential solid waste removal, Applicant shall continue to contract with builders and contractors to dispose of the same appropriately.
12. Commercial Uses. The commercial component of the development shall be limited to locations shown on the Master Plan, and the uses allowed within the development shall be all those uses now allowed or later added as allowed in the December 2008 Zoning Ordinance under Section 10.13 Table 1: Zoning Table of Permitted Uses under the Zoning Districts denoted as "O/I," and "NB." Irrespective of whether such uses are shown as permitted or as requiring a conditional use permit, all such uses shall be deemed allowed as of right within the Vicker's Village development. Building signage for the commercial uses shall comply with the Chatham County Zoning Ordinance in effect of the original approval date. Monument signs shall be allowed substantially in the locations shown on the site plan and shall be limited to specifications shown on Site Details sheet provided with the application and dated July 2, 2021. Commercial components of the Vicker's Village development shall be accessible via public sidewalks, greenways, paths, or trails.
13. Lighting Plan Approval. All area lighting shall meet County standards and not adversely affect adjoining residential areas.
14. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NCDOT shall be obtained and copies submitted to the County prior to approval of a preliminary plat for each phase.
15. Improvements. Off-site improvements required by NCDOT of any other agency shall be constructed at no cost to the County including the traffic improvements as stated in the most recent TIA and others as ultimately deemed warranted by the NCDOT following its analysis, if

required. The First Plat Submittal First Plat Details sheet provided with the Vickers Village First Plat application and dated July 23, 2021, as the same may be modified prior to approval, shall be incorporated into this conditional district rezoning approval. On-street parking shall only be permitted within the development on road cross sections meeting the "70' right-of-way" cross section shown on the First Plat Details sheet.

16. The applicant must reach an agreement with the Chatham County Fire Marshal's Office and North Chatham Fire Department regarding emergency vehicle access and on street parking restrictions prior to preparing construction drawings for the Construction Plan under the Subdivision Regulations. Off-street parking shall be provided for in accordance with Section 14 of the Chatham County Zoning Ordinance.
17. The Applicant shall demonstrate availability of adequate water and wastewater supplies to serve the property. Plans for provision of water supply shall be approved by the County prior to issuance of a Construction Plan for each phase. Such plans shall be in conformity with any County water policies then in effect and the Applicant shall pay all water fees and charges associated with the applicable phase, including then current water fees, review, and inspection charges, prior to submittal of the Construction Plan for each phase. The entire cost of extending public utility services if desired or required under County regulations shall be borne by the Applicant.
18. Adequate wastewater treatment service for the entire project area shall be designed and approved by the appropriate regulatory agency prior to issuance of a preliminary plat for each phase and constructed at no cost to the County. Adequate facilities for the spray irrigation of treated effluent from each phase of the project shall be designed, approved by the appropriate regulatory agency, and constructed at no cost to the County prior to issuance of a Certificate of Occupancy for any building within that phase of the project.
19. Equipment such as pumps and blowers will be appropriately insulated or buffered for noise reduction. Wastewater treatment plant blowers will be enclosed. All motor noise from the wastewater treatment plant will be subject to the provisions and restrictions of the Chatham County Noise Ordinance.
20. Moderate Income Housing. With the consent of the Applicant, and as an approximately equivalent alternative to and in lieu of the housing standards for Moderate Income persons set forth in Option A of the Compact Community Ordinance, the developer shall do the following:

Affordable Housing Condition: Prior to final plat approval of any residential lots within Vickers Village, Applicant and Chatham County will either:

(A) enter into a contract providing that (i) Applicant will pay a \$43,500 per lot "Payment in Support" to the County for 5% of the total entitled lots developed, rounded down to the nearest whole number (e.g., 9 Payments in Support of 181 lots are developed or 10 Payments in Support of 203 lots are developed) upon sale of each of the affordable housing lots by Applicant to a developer; (ii) Applicant will cause the developer of the lots to waive its sales commission on any affordable housing townhome sold to the County's affordable housing designee; (iii) the County will enter into an agreement with Community Home Trust ("CHT") to allow CHT to purchase the designated affordable townhomes and incorporate each such townhome into its affordable housing program; and (iv) the parties will agree upon other terms

and conditions facilitating the shared goals of integrating the affordable townhomes seamlessly into the Vickers Village townhome development;

OR, solely in the event and to the extent the "Payment in Support" model above cannot be implemented despite good faith efforts by the parties,

(B) contribute the remaining required amount either in the form of buildable lots, constructed dwellings or a payment in lieu of compliance with Compact Communities Ordinance Sections 12.3(A)(1), (2) or 12.3(B), respectively.

** The \$43,500 Payment in Support amount is derived from \$40,000 per lot and the \$3,500 impact fee per lot. The impact fee will be paid by the townhome developer and reimbursed by the County to the townhome developer in accordance with County Impact Fee Reimbursement Policy Concerning Affordable Housing.

21. A detailed tracking process shall be developed by the applicant and agreed to by county staff (Planning and Watershed Protection Departments) prior to any land disturbing activity occurring on the property. The tracking mechanism must ensure that the built upon area for the project is tracked for each subdivision or commercial lot and include any areas with impervious surface. The tracking mechanism must also include a process for reconciling the final built upon area for each lot and include a linkage to the sizing of the stormwater devices. The tracking mechanism and all supporting documentation must be supplied to the county as part of any site plan or final plat submittal. Additionally, all documents must be provided to the county at the completion of the project and transferred to the Homeowner's Association. Upon completion of the project, the Homeowner's Association shall assume responsibility for tracking any additional built upon area allocations within the development. A detailed report of Built Upon Area calculations shall be provided by the developer to the County for each phase of the project to ensure the maximum 24% allowance is maintained.
22. A building permit shall be issued and remain valid at all times within three (3) years from the date of this approval becomes final and non-appealable or from the date any court order entered in an appeal regarding this approval becomes final and non-approvable, whichever is later. Failure to comply will void this approval and any site plans approved thereof and the project will be void.
23. The development may not be turned over to a Homeowner's Association until the county or other state regulatory agency has confirmed compliance with any required permitting.
24. The following waivers are approved as included in the application
 - 6.5 Minimum Commercial Area. The minimum required square footage is reduced to 20,000 square feet. Also, since this small project will have few phases, the commercial vs. residential timing of phasing requirement is not feasible and is waived.
 - 8.5 Posting of Financial Guarantee. In lieu of this statutorily prohibited requirement, the restrictive covenants will provide for a reserve fund.
 - 9.2 Perimeter Buffer. There is about 4,000' of 100' wide perimeter buffer, most of which

is not required. The Perimeter Buffer around the mobile home park, where some dwellings are less than 40' from the property line, is reduced to 50'.

- 9.3 Viewshed Buffers. The Applicant sought to mitigate the impact by design, berms, native plantings and other feature and proposed a reduction to 50" as allowed by the ordinance. The Appearance Committee reviewed it and recommended a buffer be 55' along 15-501 and Jack Bennett. That recommendation is accepted.
- 12.1 Performance Standards. All performance standards are met, except the plan does need:
 - A reduction in the number of housing types required from three to two. An apartment building would not fit well into this village. Applicant, however, has provided for two different sizes of townhome lots and two different sizes of single family lots to ensure a variety of housing types. In addition, it is possible that the commercial area will have up to 15 residential condominium units above retail/commercial.
 - Park and ride spaces. There will be a transit stop within easy walking distance of all village dwellings. The residents will not have a need for a park and ride lot, so a waiver of this requirement is sought.
 - Narrow Streets. This provision must be modified to comply with the requirements of NCDOT and the Fire Marshal. The "Streets" provision of Section 12.2 must be modified. (Note: Condition #16 has also been added to supplement this waiver)

Standard Administrative Conditions

25. Fees. Applicant shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, building inspection, recreation and impact fees established from time to time.
26. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
27. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
28. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this
29. permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.
30. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.

- Mr. Nick Robinson is here tonight on behalf of the Vickers Bennett Group with their request to rezone the property from R1 to conditional district compact community and introduced their team. During the public hearing there was comments concerning wastewater treatment and before we get too far into the presentation Mr. Ashness is going to give a brief overview of the planned wastewater treatment for this project.
- Mr. Mark Ashness from the CE Group stated this is a relatively small wastewater system and it is expected to be no more than 50,000 gallons per day. The treatment and disposal system will only serve this project and the disposal areas are within the limits of this project and they do not involve the parcel to the east. The treatment technology plan is a membrane system, all the of prior projects I have been involved in Chatham County utilized a conventional treatment process, the membrane technology has been available since the early 2000's, but initially it was cost prohibitive for projects like this to use that expensive technology. As time has gone by the membrane technology is more cost efficient. To my knowledge this will be the first membrane system in the county, there are several in the state of North Carolina already. The EPA recognizes decentralized wastewater treatment and membrane systems to be a very effective solution for wastewater treatment.
- Mr. Robinson stated as the board you are looking at this rezoning and if it will be a good idea to rezone this property from R1 to compact community. The Vickers Village project really delivers on the walkable community concept that is embodied in the Compact Community Ordinance. At the beginning of the ordinance, it lists purposes and a few of them are to "promote new communities that support mixed use development anchored by a village center composed of civic, commercial, and residential uses that add to the Chatham County tax base, help residents meet their daily needs, and preserve Chatham County small town atmosphere." The next item under that list is, "allow for compact village style development surrounded by protected green space at a size that is easily walkable and bikeable by residents of all ages." You look at this site plan and see all of those purposes are met and embodied within this site plan. Mr. Robinson showed the site plan to the board members and identified the commercial and residential areas and how the residents can eat, work, and play all in the same area so all their needs are met. Also, a compact community is supposed to have additional open space and the requirement is 30%, but this project will have over more than double what the requirement is with 70 acres of open space. The project is capped at 24% impervious surface which is about 24 acres. The site is very pretty and will have gorgeous walking trails which will be a nice addition to Chatham County. The tax base multiplier that is sought under the CCO has been verified and independently audited by the county fiscal impact analysis. Mr. Robinson shared the tax base increase with the board and there is 49 permanent jobs estimated to be created. The CCO is a tradeoff, there is more density, but there is also a lot more open space and a lot less impervious surface, but there is creation of jobs and a tax base for the county.

Mr. Robinson stated this is a compact community that emphasizes and delivers affordable housing and we have spent a lot of time with Stephine Watkins-Cruz the Chatham County, and she has spent a lot of time on this and has put together very helpful information. There was a big meeting on September 7th with the Chatham County Manager, Assistant County Manager, Ms. Watkins-Cruz, County Attorney, Planning staff, the directors of the Community Housing Trust, and the Vickers Bennett Group all met and from that meeting the framework has been arrived at affordable housing within a master plan community which is a first in Chatham county. All that remains to be done is to make sure the condition that is in the conditional use permit embodies all of that technically and that can be worked out between the County Attorney, our firm, Managers Office, and Ms. Watkins-Cruz before this item goes before the BOC.

Mr. Robinson stated Vickers Village is going to enter into a contract with the county to help subsidize the cost of 5% of the townhome lots listed as affordable. The contract is going to provide for an upfront payment from Vickers Village of \$43,500 per affordable housing lot that will go directly into reduction of the cost of the townhome on that lot. Vickers Village will require all builders to wave their 2.5%

commission on the sale of the townhome which would be approximately an additional \$7,500 saving on the townhome, so \$50,000 off the price of the house. It is important to us that these homes be integrated into the community and not just shoved off into a corner, so we will agree there will be no more than two affordable townhomes in any cluster of townhomes to ensure the affordable townhomes will be intergraded with the rest. The county will contract with their affordable housing designee to ensure that the program works to create affordable townhomes that meet all of the requirements of the system. Mr. Robinson encouraged the board to engage with Ms. Watkins-Cruz if they have any questions about the process.

Mr. Robinson stated the staff notes and staff presentation of the conditions were very well done, and it is important to understand that there are hundreds of requirements we have to comply with under the Compact Community Ordinance and we have given you a detailed list of all of those. What we have asked for in terms of modifications is a very modest number from the base requirement of the CCO. Mr. Robinson stated the change from 100,000 sqft of commercial and reducing it to 20,000 sqft because of the smaller compact community, but it will still be 110 sqft of commercial per residential unit which is identical to Briar Chapel, just relative to the size of the project. Under the CCO there are two kinds of buffers, a perimeter buffer that are boundaries that are not on public roadways and viewshed buffers that are on the public roadways. The perimeter buffer will be an estimated 5780 feet and 4000 linier feet of those have 100' buffer and 980 linier feet have a 50' buffer where no buffer is required, so we are going above the requirement. There is only 800 linier feet of perimeter buffer where we are requesting to reduce that to 50' and that is only along the mobile home park boundary where the mobile homes are 40' away from the boundary anyway, so there would be 40' on their side and 50' on our side. We have about 3850' of viewshed buffers and 2000' of those are on Jack Bennett and we have requested on the residential part a 50' buffer with a landscape berm and we firmly believe that the existing vegetation and a berm is more effective than 100' where there is no existing vegetation. The key thing to remember about the requested perimeter buffer is the ordinance itself anticipated that you could ask for a reduction from 100' to 50' just by proving it is adequately mitigated with the landscaping proposed which we have done.

Mr. Robinson stated there are several areas where we are exceeding the CCO requirements and preserving 11 acres of beautiful hardwoods forest that Ms. Siverson will tell you is in or close to the Bush Creek headwaters zone and doing that in perpetuity which we will commit to putting in as a deed restriction on the property. Mr. Robinson thanked the Planning Board for their time and consideration.

Public Input:

- Ms. Karen Veltri stated I own the property located at 561 Jack Bennett Road. The Vickers Village compact community that is being proposed will border my property lines to the west and north. Let me begin by telling you that I am not one to be opposed to growth. I understand that growth can be a good thing, however growth at an accelerated rate, in an area that lacks the infrastructure, or clustered too closely together can be devastating to an area. Briar Chapel is right across 15-501 and is continuing to grow, there is another proposal for Herndon Village that would be nearby as well as talk of developing this corridor of 15-501 down to Pittsboro. I have many concerns, some of which I won't bother taking your time to discuss like, preserving wildlife and natural spaces. When I look at the Vickers Village plan and see what would be approved without having to apply for any extensions or variances (the area of their plan that is currently green) I feel as though that is enough space and the developers should make a plan within that space. When I look at the area they want as an extension (the area in red) I have to ask why? Why do they need to build more? Why can't they stay within the confines of the current zoning? Their original plan was smaller, then they moved parcels around, removed a 2-acre parcel and added a 1-acre parcel, making the overall project 1 acre smaller and increased the number of homesites by 10. Every compact community that is being proposed is asking for more. At what point does anyone just say no, we need to preserve the integrity and beauty of this area that so many already call home. I realize at this point I pretty much stand alone. These developers have eliminated

any opposition by buying them out. One neighbor did not want to sell and because of that the developers surrounded his property with a WWTP and irrigation ponds. At the meeting they held at their lawyer's office I questioned this strategy and was told it wasn't their intention to squeeze him out, but they did, because after that he sold to them. That was his choice, and I don't blame him, but this is a practice that I can't say shows any integrity. When I mentioned to one of the developers that they could build fewer homes and they would still make money, the reply I got was, 'so will you.' They basically told me thanks to them and their development I will make money if I ever decide to sell in the future. I didn't make this my home to sell it and make money, I made this my home because I love where I live. Now I have to trust these gentlemen to care about this area and land they want to build on and I find that extremely difficult. For example, they have chosen Aqua to be the water company that would maintain the WWTP that will be near my home. Anyone can google Aqua and see they have a multitude of issues ranging from racial lawsuits to poor customer service to astronomical prices. I was a customer when I was a renter, I didn't have a choice, and it was the worst few years of my life as far as poor-quality water and monthly service fees close to \$100 a month. The people moving into the new homes won't know what they are in for, and the developers will be long gone and won't have to hear about or deal with any issues that arise. I have a child that is a cancer survivor, so I make it my business to be conscious of what my family is exposed to. You have heard all of the issues with the Briar Chapel WWTP and at every one of these meetings you have heard more comments than I can count from the people of this county concerned about the safety of waste water treatment plants. Because of that I won't take up too much of your time with my concerns, but I will remind you about the hazards I will have to think about everyday living next to WWTP. Please keep in mind that I have a well, I do not use city water. Chemicals can become airborne when they are air stripped. Studies show bacteria and total organisms are more prevalent at night and highest when windy or when humidity is above 35%. Pathogens can be inhaled and cause respiratory and gastrointestinal infections. Pests are another concern. Houseflies, as well as other pests such as cockroaches, can also present a health hazard for those living near wastewater treatment facilities. I am extremely concerned with the treatment processes and pesticides that will be used long after developers have cashed their checks. I also have to think about who will maintain the development and what pesticides will they be using for landscaping.

Traffic is another major concern. Right now, there is more traffic on Jack Bennett Road than I have ever seen. When you bring in more homes you have to think each home will be at the very least a 2-car home, possibly more if they have children. Yes, bringing in revenue is great and to do that you need to bring in more people but what about the quality of life that you have the power to preserve with limiting the growth in this area of Chatham County. Supermarkets, restaurants, and gas stations are saturated with people. I understand this can be a good thing, but it has to be done right. Someone has to care about the people that are already here, the people that have been here for years or their whole lives. These new communities are squeezing out the people that love it here and have called Chatham County their home for most of their lives. People are coming from more expensive states and keeping their high salaries, so they believe it's a reasonable cost of living but for the backbone of this county it's getting harder and harder and nearly impossible to afford a life here. The town of Chapel Hill just did a study on their growth, and it has shown that Chapel Hill is full of commuters between 8am and 4pm. People that live there don't work there and people that work there don't live there. Their growth doesn't have a solid plan in place, and they will be dealing with the negative effects of this sooner rather than later.

I guess all in all what I am asking for is for you all to really look at what is happening here. Don't be afraid to say no to too much, keep limits and restrictions that make sense. If you do approve this current plan, I also ask that you extend the proposed buffer. If you are going to give them more, then please give me, the land owner that will be right next to them and be the first to deal with any negative issues that arise, more of a buffer. One hundred feet is nothing. It is a small distance. This development should be no less than 200 feet from any existing home and land owners. Preserving some more

natural land as a buffer cannot be a bad thing. Thank you all for your time and consideration. I know the job you have in front of you is full of decisions and some not so easy, so I appreciate your time.

- Ms. Emma Liles spoke for Ms. Turner and stated, for approximately twelve years, “affordable housing” in Chatham County has been floated as a goal by several entities, including the Planning Board, the first Affordable Task Force, the current Affordable Housing Advisory Board, the 25-year Comprehensive Plan Chatham, Chatham municipalities and several non-profits. Finally, through the vision of a next generation product of Chatham, educated by Chatham schools and a successful, multi-talented entrepreneur, we are presented with a viable model for affordable housing in real time, Vickers Village. This development is worthy of implementation; Mr. McBroom brings it to us meeting all of the high regulative standards for smart growth put in place by the Planning Board and other entities over the years without having to be asked or required to do so. As an elected official and citizen with a vested interest in Chatham’s future, I urge the Planning Board to “walk the walk” and approve Vickers Village.
- Ms. Shelley Colbert stated she lives in Briar chapel and part of a compact community and moved to Chatham in 2014. I understand some of the challenges we face in implementing some of these aspects into the compact community ordinance as far as the density and some of the other things that are in the application that we need to look at. We need to really look at the narrow streets and lack on on-street parking which create problems down the road for communities and we have experienced that in Briar Chapel. This decision is made quickly, but the residents have to live with the impact of streets that are too narrow, emergency vehicles that cannot turn around, and HOA maintained alleys that are too narrow, and it really does impact the quality of life. It has been heard, but wastewater treatment is so important because when there is a problem it can make life unlivable. I agree with the reduction of commercial space the applicant has requested because it is comparable to the size of the project. However, we are looking at an ordinance that is 20 years old and some of these commercial uses are obsolete and I am not quite convinced even with a smaller footprint for commercial in this location that it benefits the community, I do not object to it, but I think that the separate parcel that is not walkable should be looked at. Ms. Colbert thanked the Planning board.
- Ms. Susan DeLaney stated her most concern is the public health issues with the compact community and spraying. The spraying will be done in the backyards of people and along the paths where people are walking. What we are looking at is the tip of the iceberg and environmental concerns are public health concerns for me. Putting bacteria and viruses back into the air in a compact community is a huge deal. There has been another spill in Briar Chapel just recently into Pokeberry Creek, what do we do? Nothing, a little fine and that water goes into Jordan Lake. I think we are making a mistake having another wastewater treatment plant right on the property. Odors and spraying going right in people’s backyards. If we do not do something in this northern area of Chatham it is going to be a super fun site in the next few years. Why can’t this wastewater treatment plant go into the back lot where it is preserved and keep the walkable clean land up front really preserved? Why do we have to have it there? I own 18 acres down Vickers and none of it perks except maybe one or two sites and if you spray water on non-perking land which I assume this is too, you will have a problem. My suggestion is to move the treatment facility to the back of the project. Thank you.
- Mr. George Chesney stated he is a retired First Sargent from the Army and a retired business owner. He came to live in Chatham County in 1962 and I love Chatham County. I like to see the progress that is happening here, and I am here to try and assist to continue the progress. I am whole heartedly in support of this development, I have not seen a development so well planned before. The professionals have done their job in planning, it is all inclusive and well-integrated, it has choices of single-family homes, condominiums, and townhomes all in one village. I have a single-family home, so I am tired of lawn maintenance because it is hard to get dependable help, so I would purchase a condo or townhome and others will have the same choice in the community. It has a nature reserve which will include trails, parks, and areas where you can go and just enjoy nature and meditate. What is more relaxing than birds and squirrels jumping from the limbs. It has a lot of natural areas, they said 70 plus

acres and that is a lot of area you can relax in. It even has a commercial area with a place to shop which will benefit those who do not want to leave the village for shopping. It is located in an area where public transportation is available for travel to surrounding cities like Pittsboro and Chapel Hill. The housing will be a reasonable price which will enable most people to purchase homes in the village. You cannot forget the increased tax benefit for the county. Again, I highly recommend this project be approved.

- Mr. Myron Jones stated he is here in support of approval of the waivers under section 15 and thinks it is a unique opportunity to discuss the diversity that exist in the county where mixed housing is concerned. It is a benefit for the county and a great opportunity for low- and moderate-income families to actually have an opportunity to purchase a home. In closing I am in support of approval of the waivers tonight.

Planning Board discussion:

- Chair Spoon stated there is a lot to go through and thought we could discuss this application under some subheadings. First let's discuss the wastewater treatment as Mr. Ashness stated is a membrane technology which is new to Chatham County but has proved reliable in other parts of the state and is approved under the EPA as an innovative and better system over the conventional systems. This will be a self-contained system to only serve the homes within Vickers Village.
- Vice-Chair Lucier asked if this will mostly be gravity fed to the wastewater treatment plant from the residents and commercial area? Mr. Ashness stated yes, if there is any force main it would be a very small section and it would be in the public right-of-way, our hope is to only have gravity feed. Vice-Chair Lucier also stated he read a letter from Aqua, and the letter stated the maximum would be 171 homes and of course this is for 184, plus a potential 15 more. Mr. Ashness stated we had them update the letter to a flow of 45,000 to 55,000 gallons per day rate. The State permit will be the ultimate deciding factor to the allowable homes it can serve.
- Ms. Weakley asked if there will be spray or drip irrigation around the townhomes, because as we know in Briar Chapel there are residences with spray irrigation adjacent to them and there have been problems and how is that being addressed? Mr. Ashness stated there will be a combination of both spray or drip and the this is truly a reclaimed source and the treatment standards for a membrane system are substantially higher than what is provided with a conventional sanitation plant and well below the 2T requirements. The treated reclaimed water is suitable and is used in other municipalities vigorously such as Cary and others. Ms. Weakley stated that Cary has their own public system, and it is not a package plant. Mr. Ashness stated Cary does have several very large treatment plants and the treatment standard that this plant will have will equal or exceed what their standards are.
- Ms. Weakley asked about the active play meadow areas and when would those be sprayed if they are being encouraged as active recreation areas? Mr. Ashness stated when you irrigate a certain area that irrigation run time is maybe 7 to 8 minutes, and in the summer there might be a couple run times, but the State requires a 2-hour soak period. Areas like that you would see them sprayed very early morning and then in the summer time a later application, but there would be proper notification and you can control the heads to irrigate specific areas and other areas at different times of the day if that is desired. Mr. Sullivan stated it is good that they are informing us the type of system they intend to build, but I do not what the board to think we as staff have any control of the type of system that is built or the operation of the system. We cannot condition them to put in a certain type of system and we cannot tell them how that system will operate, that is all regulated by the North Carolina Department of Environmental Quality.
- Ms. Siverson stated she walked the site and knows there are some very steep slopes where the streams are, how far from the top of those steep slopes will there be spray irrigation applied? Mr. Ashness stated where there is steep slopes we will not be allowed to spray, and our soil scientist takes those areas out of consideration. Ms. Siverson stated in the Performance Standards there is a reference to 20% of the area reserved and not have spray irrigation, where will that 20% be positioned

in this plan. Mr. Ashness stated we have roughly 70% of open space and the spray area will be less than 30% of the whole site, so there is a lot more than 20% of the open space that will not be sprayed, and it was identified on the map by Mr. Ashness.

- Chair Spoon stated we will move on to any questions or concerns about conservation space or what will be left open as open or natural space.
- Ms. Siverson stated in the northeast meadow area had some significant trees and the Performance Standard in the CCO also require that significant trees be identified and protected if at all possible. How much of that area will be cleared and will significant trees be identified and protected in that area? Mr. Ashness stated any of the areas that are on the eastern part of the property that we show as open active area, those could be thinned out and still achieve spray irrigation and maintain a tree canopy. The area closer to the village gathering area will be more likely completely graded but still trees in that area as well. Vice-Chair Lucier stated one of the maps has a cut and fill area, the southeast part of the property looks like there is a lot of cut and fill and is that also a spray area? Mr. Ashness stated the cut area on that map is where the lots are located along Jack Bennett Road and the other cut areas are where the ponds will be located.
- Mr. Arthur stated the separate parcel that is supposed to be left in its natural state, does that count towards their conservation area, I do not understand how a separate area can be included in it. Chair Spoon stated it does count in their calculations and they are going to deed restrict it so no development can go in there and those neighbors were excited about. Mr. Robinson stated there is no requirement in the CCO that all of the land be contiguous, and our only other example of a compact community is Briar Chapel and there are huge sections of that out by the highway that are not contiguous to any of the other parts. All of the acreage goes into the calculation for a total of impervious and open space, this project is not different from the other, but we have promised with a deed that that parcel will forever be preserved. Chair Spoon stated that is an issue going forward and look at it with the UDO.
- Ms. Weakley stated under section 3 of the CCO under Purpose, item “D” it states, “allow for compact village style development surrounded by protected green space.” What is being proposed is not surrounded by protected green space except for maybe 50’, so that separate parcel, in an ideal situation would be protected green space around a compact community. It does not seem to meet that purpose in the CCO. Chair Spoon stated that is a good point and we have to keep in mind these rules were created for a much larger development that was capable to provide that kind of green buffer all the way around. The western and southern parts of this site are old home sites where a lot of them have become dilapidated, falling down houses, but it has already had the grading work and roads. The northeast corner is untouched beautiful woodland and to the best of their ability they preserve the most important and ecological on this site.
- Chair Spoon stated the next topic is waivers for buffers and if there was any board discussion on this item.
- Ms. Weakley stated she would prefer that there be a full 100’ viewshed buffer along Jack Bennett especially if one of the goals of the CCO is to preserve rural character and buffering adjacent landowners is very important. Chair Spoon stated the neighbors on Jack Bennett the is across the street so there is a road between them and then there is about 30’ of trees and then it is completely cutout because there is a power easement, so it is not like there is 100’ of forest to work with currently. The plan they have in place is to use berms and native planting to try and maximize the buffering for the viewshed. Mr. Andrews asked if a berm is something that is defined by the county, is it so many feet high and wide, what is the definition of a berm? Chair Spoon stated that might be an Appearance Commission question, but their plans would have to include it so we would see what it would look like.
- Ms. Plummer showed the Planning Board the plan that was submitted to the Appearance Commission. Mr. Ashness showed the street view of Governors Village and how the berm will look when completed, then he pulled up the street view of Jack Bennett and showed the board how they will keep the existing

vegetation and how they will fill in the gaps. Ms. Siverson stated when she walked the site and spoke to the developer, she feels what they have planned will be very nice and an improvement to what is there now.

- Chair Spoon asked if there was any questions about the waivers for reduction in commercial space or the reduction in the type of living spaces.
- Vice-Chair Lucier stated he is comfortable with both waivers because the commercial space proportionally is the same as Briar Chapel and with a smaller compact community the three housing types are what you would expect.
- Mr. Arthur asked what is planned for the commercial space and how did they come up with 49 permanent jobs. Mr. Ashness stated there will most likely be restaurant, retail, and support uses for a neighborhood like this. Ms. Weakley has concerns about the wastewater from commercial sites and if the treatment facility can handle the capacity. Mr. Ashness stated those uses will have to be compatible for the overall allowed gallons for the project. It will be convenience services for the residents of Vickers Village and surrounding areas. Mr. Robinson stated the 49 permanent jobs came from the fiscal impact analysis and maybe it would be a range of 45 to 55 jobs in the commercial portion of the project.
- Chair Spoon mentioned some of the other waivers and if there were any questions from the board members about them.
- Ms. Weakley asked about the financial guarantee and if it was specifically for the maintenance of stormwater. Mr. Robinson stated the CCO has a provision in it that mandates a financial guarantee for maintenance of stormwater BMP's and the State statute made that illegal to require, so we would write this requirement into the restrictive covenants for the HOA. Ms. Weakley asked if it is a 10-year reserve fund. Mr. Robinson stated he does not remember the particulars of the reserve fund, but staff and the County Attorney were involved, and it is compliant. Ms. Weakley stated anything with restrictive covenants a majority vote can change the direction if they do not want to be putting aside money for their stormwater ponds. Mr. Ashness stated he lives in Governors Village and 80% of the HOA funds goes to landscaping which just dwarfs everything else.
- Chair Spoon stated he would like to move on to the affordable housing aspect of the project and this is the most he has ever seen to bring affordable housing to fruition, and they have worked with county staff across a number of different departments to set up a model to hopefully be replicated in other places in the county.
- Vice-Chair Lucier stated it looks like the total contribution is \$387,000 for 9 units, so on a per house basis that is more than what Briar Chapel contributed in proportion for affordable housing.
- Ms. Watkins-Cruz stated based on some of the conditions and language she came up with \$435,000 and the full potential about the way the contribution could be spread out across this project is that it would not necessarily be proportional by units, so the contribution would not be divided by nine, it would go by the subsidies for each unit as required by family income. Mr. Robinson stated in the revised condition the developers want to put in payment and support for 10 units and the total amount of complete homes for the project will not change that as long as they are able to at least develop 180 units.
- Chair Spoon stated typically the model for affordable housing ends up building rental units for people and this is different because this allows people to build equity and grow family wealth through ownership. Ms. Watkins-Cruz said she has been speaking with this group since February and these conversations have been going on for a while now and another entity we have included is the Community Home Trust and they have been in operation in Orange county for over 30 years. Their model allows for an opportunity for affordable housing and wealth building. The goal is a family will not pay more than 28% of their income per month for affordable housing. If that family were to sell, built into the deed restriction they would be able to take out some of the equity that appreciates over time. When

the house is sold, it would be sold to an eligible household that is affordable to them. It is generational wealth building on potentially dozens of households.

- Ms. Weakley stated this is a great plan and affordable housing is needed, she had read that one of the options if the county could not come to an agreement with the developer was a payment in lieu and would hate to see that happen. Ms. Watkins-Cruz said they would too and the payment in lieu would be her last option as a personal and professional standpoint. Vice-Chair Lucier stated it is a good plan and during Briar Chapel development the most difficult part to implement was the affordable housing component, so it is appreciated what you all have come up with.
- Vice-Chair Lucier stated he had a question about the total number of units but was not sure if that would be discussed now or during the subdivision application. It was agreed to discuss during the subdivision portion of the application.
- Mr. Arthur stated the main road name is Vickers Village Way, but then there is Vickers Road, and Village Way, this might be a bad way to name streets and will cause a lot of confusion.

Vice-Chair Lucier made a motion to approve the consistency statement, **“The requested conditional district rezoning meets the intent and spirit of Plan Chatham by (a) being located within an area identified by the Board as acceptable for further development of compact communities and (b) has supported the goals and objectives of the Plan and the Compact Communities Ordinance.”** The consistency statement was second by Ms. Hager. Chair Spoon conducted a roll call vote and the consistency statement passed 11-0, unanimously.

Vice-Chair Lucier made a motion to approve this rezoning item with all the stated conditions, second by Mr. Arthur. Chair Spoon conducted a roll call vote and this item passed 11-0, unanimously.

VIII. SUBDIVISION: PUBLIC HEARING:

1. Request by Mark Ashness on behalf of The Vickers Bennett Group, LLC for subdivision **First Plat** review and approval of **Vickers Village**, consisting of 184 lots on 101.8 acres, located off US 15-501 N, Vickers SR-1719 and Jack Bennett SR-1717, parcels numbers 18847, 18848, 18857, 60719, 18636, 60653, 79965, 89281, 89395, 80493, 69057, 89206, 18857, 87996, 89272, 18856, 87093, 93157, 79288, 93156, 93155, 93154, 85875, and 18914.

The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. The minimum lot size requirement for the project is 40,000 square feet of useable area. The Planning Board has two (2) meetings in which to act on the proposal.

The request is for First Plat review and recommendation of Vickers Village, consisting of 184 lots (181 residential and 3 lots for open space, commercial, and wastewater plant) on 101.8 acres, located off Vickers Road, S.R. 1719, Jack Bennett S.R. 1717, and US Hwy 15-501. A vicinity map showing the property location, attachment # 2, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval, or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal.

Roadways: Vickers Village Drive, Herndon Trail Court, Village Place Way, Cross Ridge Drive, and Townes Lane are proposed to be built with a 25-foot-wide travel way and a 60-foot-wide and 70-foot-wide public right-of-way and are to be state maintained. The alleyways are proposed to be built with a 14-foot-wide travel way and a 30-foot-wide private right-of-way.

Perimeter and Viewshed Buffers: One-hundred-foot wide (100') perimeter buffers are proposed along parcels 18845, 18846, 18843, 78786, 18836, 70507, 69712, 70031, 64632, and 66592. Fifty and fifty-five foot wide (50' and 55') viewshed buffers are proposed along Jack Bennett Road, US Highway 15-501, Vickers Road, parcel 19338, and parcel 71691

Outparcel: Parcel 18636 (11.8 acres) off Henley Road will not be developed and will be subject to a permanent conservation covenant.

Amenities: Picnic shelters and lawn area are proposed on the 1.75 acres amenity site. Walking trails with pedestrian bridges are proposed within the open space.

Commercial: One commercial parcel, 3.94 acres is planned with up to fifteen (15) apartments or condominium units.

Historical: The applicant contacted Bev Wiggins, Chatham County Historical Association (CCHA) on July 15, 2019, via email correspondence. Chatham County GIS had an icon that indicated a small cemetery of 12-15 graves within the project boundaries. A letter dated April 28, 2021, by Tracy Millis, Senior Archaeologist with TRC Environment Corporation stated there are no graves. Email correspondence dated April 29, 2021, from Ms. Wiggins stated "We appreciated your efforts to discover the cemetery. All we had to go on are the very rough estimates of location provided by Mr. Gerald Oldham years ago. It is possible that the cemetery is nearby, but not on your parcel or that it has been destroyed. You have satisfied our request that an effort be made to locate the cemetery." See attachment #20.

Schools: Notification of the proposed development was provided to the Chatham County School System. Mr. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction corresponded acknowledgment of the proposed project by email dated July 20, 2021. See attachment # 21.

Environmental Impact Assessment: Due to the number of lots, an Environmental Impact Assessment (EIA) was required to be submitted and peer reviewed. The EIA dated July 13, 2021 and August 16, 2021 was prepared by Sage Ecological Services and peer reviewed by Johnson, Mirmiran & Thompson, Inc. (JMT). See attachments 23.

Per the EIA, Section 1, the eastern portion of the site was logged between 2014 and 2015 and is currently very densely vegetated with early successional species such as blackberry, greenbrier, yellow poplar, sweet gum, and loblolly pine. The western portion of the project is dominated by oak and hickory species in the uplands and yellow poplar, sycamore, and beech in and adjacent to the drainages. The outparcel off Henley Road contains mature oaks and hickory trees. The topography of the site ranges from a low +/- 376 feet above mean sea level at the northeastern site boundary, to a high point of +/-548 feet mean sea level at the northwestern site corner. Drainages within the project area tend to be well-defined topographically.

The letter dated April 2, 2021, from the North Carolina Natural Heritage Program (NCNHP) states "A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed."

Community Meeting: A community meeting was held on June 28, 2021, at Bradshaw Robinson Slawter, LLP, 128 Hillsboro Street, Pittsboro. Approximately thirty-one people attended the meeting. Items/issues discussed included what will the commercial look like and will there be separate parking, location of the community center, who will manage the sewer treatment, can mosquitos be controlled, 24-hour lighting along nature trails, will there be affordable housing, wastewater treatment plant and irrigation ponds beside the

Laney family, wastewater treatment plant (WWTP) location, lot size, impervious surface limits, who are the builders, odor concerns from the WWTP, wastewater pond placement, time frame for building, etc.

Technical Review Committee: The TRC met virtually on September 15, 2021, to review the First Plat submittal. The applicant Mark Ashness, P.E., Antonio McBroom, Andy Greene, and Wade Barber were present. Items discussed were to remove one of the three pedestrian bridge crossings because it does not meet the “no practical alternative” requirement for the Jordan Lake buffer rules and should be removed and rerouted, show stormwater pipe routes on the utility plan, renumber stormwater ponds as the ponds will be constructed, pond #4 shows an irrigation area within the riparian buffer, pond #3 appears to be encroaching into the perimeter buffer and needs to be removed, wetland buffers were missing, road names are approved, Public Works may need to place a hydrant on the north side of the Vickers Road, Fire Marshal would like to receive a fire truck exhibit, and location of the old home on the property.

Septic: Soils report provided by Piedmont Environmental Associates; P.A. Private wastewater treatment plant is proposed within the project on a separate .97 acres tract. A letter dated September 16, 2021, from Aqua states “Aqua will have the capacity to provide service to approximately 200+ proposed units, amenities, and commercial properties to be located within the Vickers Village Compact Community. The structure of the Agreement would include the following: Developer to install 50,000 gallon per day wastewater treatment plant in addition to the wastewater utility system infrastructure including spray fields with the appropriate capacity to serve all approved units, amenities and commercial properties based on Aqua’s specifications and DEQ rule and regulations.”

Water: Water will be public and provided by Chatham County Water Dept. A 12-inch waterline is along Jack Bennett Road, the proposed project will create internal loops with two (2) connection points to the 12-inch waterline.

Road Name: The road name Vickers Village Drive, Village Place Way, Townes Lane, Cross Ridge Drive, Herndon Trail Court have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Development Schedule: Three phases are proposed for the project. Per the Subdivision Regulations Section 5.2C(6), the first phase of phased subdivision must submit Construction Plans within two (2) years of approval of First Plat. The developer has proposed Phase 1: 66 residential lots Final Plat by December 31, 2024; Phase 2: 115 residential lots Final Plat by December 31, 2026; Phase 3: commercial area submitted by December 31, 2027.

Water Features: Sage Ecological Services, Inc., submitted the Riparian Buffer Review Application along with a riparian buffer map, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake completed an on-site riparian buffer review on multiple dates to verify the consultant’s findings. Mr. Andrew Williams with the U.S. Army Corps of Engineers visited the site on August 24, 2017 and completed a desk determination on March 16, 2021. Mr. Blake issued a confirmation letter of his findings. The August 31, 2021, confirmation letter stated four (4) ephemeral streams, six (6) intermittent streams, four (4) perennial streams, and fourteen (14) wetlands were identified. The (4) ephemeral streams require 30-ft buffers, six (6) intermittent streams require 50-ft buffers, the four (4) perennial streams require 100-ft buffer, and the fourteen (14) wetlands require 50-ft buffers from all sides landward.

Stormwater and Erosion Control: Per the first plat, five stormwater devices and two irrigation ponds are proposed and will be placed in open space. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

Site Visit: Site visits were scheduled September 23, 2021, and September 29, 2021, Planning Department and Watershed Protection Department staff, and various Board members attended. Antonia McBroom, Warren Mitchell, Andy Greene, and Nick Robinson were present to walk and discuss the property with staff and Board

members. Areas viewed included wetlands, perennial streams, intermittent streams, ephemeral streams, and the 11.8 acres of natural open space. Questions raised during the site visit were if some of the mature trees will remain in the viewshed buffer along 15-501, how will the viewshed look along Jack Bennett Road. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamcountync.gov/planning, Rezoning and Subdivision Cases, 2021.

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. These properties are in an area of the county identified Compact Residential and Rural on the Future Land Use and Conservation Plan Map. The proposed project areas are identified as compact residential, a small portion of the natural open space (parcel 18636) is identified as rural. The description for compact residential includes a mix of detached and attached residential units, community centers, amenities, recreational uses, schools, and churches, connected system of local and collector streets with access to surrounding development, and small pocket parks and gardens. The description for rural includes single family homes on large lots, low density development, mix use of agriculture, home-based and small-scale businesses, open space, greenway trails, protected lands, and conservation easements.

The proposed subdivision meets the adopted comprehensive plan. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and no rare species were identified in their records. It should be noted that Plan Chatham is not intended to be used as a regulatory tool but is a policy document. When reviewing subdivision applications, the boards can use the plan as a tool to identify future regulatory changes.

The Planning Department recommends granting approval of the road names Village Place Way, Townes Lane, Cross Ridge Drive, Herndon Trail Court, and Vickers Village Drive granting approval of subdivision First Plat for **Vickers Village** with the following conditions:

1. The following development schedule shall apply: Construction Plan submittal for Phase 1: 66 residential lots within 2 years of First Plat approval, Phase 2: 115 residential lots Final Plat by December 31, 2026 and Phase 3: Commercial Area submitted by December 31, 2027.
2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
3. One pedestrian bridge crossing shall be removed and rerouted.
4. All riparian buffers and streams shall be labeled on the final plat.

Planning Board discussion: Mr. Clyde Frazier had to leave the meeting.

- Mr. Ashness stated we have covered a lot of this item already so I will start with the stream crossing. Mr. Drew Blake attended a field visit and provided guidance on what stream crossing he wanted eliminated. We followed his instructions and was able to eliminate a stream buffer crossing and adjust some crossings as recommended. Mr. Ashness discussed a slight change in the development schedule where they might have to break the phases into sub-phases such as Phase 1A, Phase 1B, but the completed by date does not change. Mr. Ashness also showed the board the fire truck route and how they will have plenty of room with a 70' right-of-way with only on-street parking on one side of the street, there is also off-street parking provided as well. There was some discussion about the recreation area and public area by the meadow about a possible dog park, children play area, maybe even a fire pit, the final plans for that area have not been completed yet. Mr. Ashness stated there will be sidewalks within this project as well.

- Ms. Siverson asked if the trail running through the natural area will be paved or not. Mr. Ashness stated his recommendation would be that the trail be paved because if someone wanted to use a stroller it would allow an all-surface route. It is possible that some non-improved paths could come off of that main trail. Ms. Plummer asked if the trail will be ADA compliant. Mr. Ashness stated no it will not because of the natural slopes out here it would be very difficult. Mr. Arthur asked how long the trail will be? Mr. Ashness stated it will be a little less than 3000' of trail. Chair Spoon stated it would seem better served as a natural trail verse paved to how nice the woods are, or maybe some paved areas where it is flat because looking at the topography it might be hard to pave.
- Vice-Chair Lucier stated the site plan shows 181 units and possibly 15 more units above the commercial area when that is complete. Mr. Ashness stated that is in there in the instance our wastewater flows end up being whatever they are, and this will give some flexibility. Vice-Chair Lucier stated the total unit count would be 196 and would feel more comfortable approving 196 over the 203 units which is the maximum you could possibly have. Where would you put the 7 other units, you would have to take something away. Vice-Chair Lucier asked if they would make the total units 196.

Mr. McBroom stated our group's goal is to be as visionary as possible with our site plan and the idea of the residential about the commercial was something that has not been done a lot in Chatham and we hope in the future any residential units we are entitled to could fit there and it not be capped at 15 units. That is our logic for the 203 units, would you be more comfortable if we do an even 200 units? Vice-Chair Lucier stated you might struggle to get 15 units above the commercial area, but maybe you could. Vice-Chair Lucier said he is comfortable with the 181 and the units above the commercial, but there is not anymore room on this plan for any more units except on top of the commercial, unless you would take away from the meadow or the recreation area. Mr. McBroom stated our intent is to show a strong display of what is possible for the project, and this is where we landed after all the studies and input. There was some board discussion about the total number of units allowed for this project.

Mr. Sullivan stated the total number of dwelling units will be locked in with the conditional district rezoning. Whatever final number is decided fir the first plat we will lock in when Ms. Plummer finalizes the notes for the rezoning as a maximum not to exceed. Chair Spoon asked if we could lock in the number at 181 units and then allow up to a certain number of units above the commercial area? Mr. Sullivan stated that would all be tied to the rezoning, because with the first plat you are not reviewing condominiums because we do not regulate them through subdivision. Right now, you are only considering the 181 lots plus the other out parcels. It was agreed that tonight the board will be voting on a total of 184 lots, 181 of them are residential lots, 1 wastewater treatment lot, 1 amenities lot, and 1 commercial lot. Ms. Plummer stated she wants to board to understand that the units will be capped at 203 dwelling units, but whether or not they ever reach that amount is something different. It all depends on how the units are laid out, what the demand is, and if they rearrange the lots, they will need to come back before the Planning board with a revised plat.

- Mr. Ashness stated he received some feedback about the trail, and they will entertain the idea of leaving the trails in the natural areas unpaved. Ms. Siverson stated this is a good thing and relieved that the trail in the more natural areas stay a natural trail.
- Ms. Weakley asked if there are garages associated with the townhomes? Mr. Ashness stated yes there will be garages. Ms. Weakley stated one of the community meeting questions was is there going to be lighting on the trail, will there be lighting? Mr. Ashness stated not on the trail in the meadow areas the only lighting will be street lighting. Ms. Weakley stated she does have some concern about the wastewater irrigation pond being so close to residential units, a lot of the people in Briar Chapel complain about that issue and do you have any plans to mitigate that? Mr. Ashness stated yes there will be landscaping around the pond itself and there will be chlorine feeds before the pond, so the water quality of that pond is a better quality to be stored. DEQ is requiring additional disinfectant beyond the treatment plant and before the pond which will help with odors. Ms. Weakley stated her other concern is the capacity of the ponds when we have theses extreme rain fall events and the ponds are right next to

residences and streams and is concerned about overflow. Mr. Ashness stated he has not ever observed one of these ponds have an overflow condition, the State require there to be 2 feet of freeboard and the way these ponds cycle is during our heavy rain months the ponds are at their lowest to maintain capacity.

- Public Hearing:
- Mr. Halford House stated I am a 30-year resident of 611 Vickers Road, a lifetime resident of North Carolina with 40 years of professional experience both in academia and business, with a focus on wastewater management and water quality protection. I am grateful to live in Chatham County. Throughout my career, I have had the opportunity to develop wastewater treatment and irrigation strategies during the 1970s that are now in use as alternatives to discharge in our surface drinking waters. Plus, I have assisted in the creation of the state reclaimed water rules, as the first North Carolina water reuse project, located in Chatham County, during the 1990s. Furthermore, I was a member of the Land Use Plan Implementation Committee (LUPIC), that created the set of recommendations for the Compact Community Ordinance (CCO).

I realize that the proposed project does include several important relevant features such as a village center, affordable housing (actually within the community), mixed use, green space, open space, wastewater treatment plant (WWTP) within the community, buffering, and multi-use trails. What brings me great pause and consternation, however, is the impact of the proposed wastewater and storm water designs. Based on my extensive experience in water quality, soil science, wetland ecology, forestry, conservation, and wildlife biology, I can attest that the worse location for a high-density development is at the headwaters of streams closely connected to our regional water supply.

Through all phases of this proposed project there is potential for pollution from construction site grading, construction of roads, buildings, ancillary structures, and the post construction of wastewater spray irrigation of polluted water, and stormwater. These include but are not limited to nitrogen, phosphorous, biologically active compounds, endocrine disruptive compounds, and recalcitrant pollutants from petroleum such as Benzene, Toluene, Ethyl benzene, and Xylene (BTEX).

To mitigate these issues, I strongly suggest the applicant meet the following conditions:

Provide and document phased grading of the project site. Provide and document low impact storm-water design. Increase and document pervious space in the headwaters. Manage storm-water runoff from the UHAUL facility (document strategy). Locate and document ephemeral streams and provide buffers, based on the CCO requirements.

Continue to locate WWTP within the project, but with sufficient distancing from adjacent residential units to prevent aerosols and odors from negatively impacting these residences. Change spray irrigation near dwellings to surface drip irrigation. Provide and document strategies for managing overflow of wastewater storage ponds into the nearby stream. In addition, on the property there is evidence of a fill of unknown quality and quantity in the uplands contiguous to the stream, potential destruction of the ephemeral streams, and the prominence of oil, gasoline, and grease spills of unknown characterization both in quality and quantity. Conduct a Phase 2 Environmental Impact Assessment Mitigate and document environmental impacts observed in the Phase 2 Assessment

I am impressed with the applicant's historical connections to Chatham, and their strong sense of place. It is therefore incumbent upon them, as neighbors, to protect their fellow citizens from a poorly designed project, and potential disease related pollutants relating to the location of wastewater infrastructure.

The current state and local trends in economic development have been short sighted, compromising water supply and quality for the short-term benefit of economic gain. If this trend continues, responsible business interest and future residents will not want to locate in a community without a reliable source of clean water. Chatham County is quickly gaining a reputation for not protecting its citizens and their

water supply from irresponsible development practices. Please regard my comments as a desire for a balanced approach to growth and development. Thank you for your time.

- Ms. Emma Liles spoke for Ms. Tammie Eddins and stated thank you for taking the time to read my letter. I am writing to endorse the community project, Vickers Village, proposed by Antonio McBroom. I have lived and worked in Chatham County for almost 40 years and 29 of those have been as a taxpayer and homeowner. My reason to support this project is personal. My daughter now over 25, graduated from Chatham County Schools and attended a local University, graduating with a Bachelor of Science in Nursing. She went on to secure employment at Duke Hospital and is also attending graduate school there. One of her goals in attending college and securing a job was to live and work close to her family. Once she started working, she began looking for affordable housing, close to Duke Hospital with a community feel. As you know, there is very little on the northern end of Chatham County that is affordable to young professionals. What she found was lots of large single-family homes that were out of her price range. An affordable townhome in northern Chatham County close in proximity to major hospitals would be beneficial to her and others like her. Instead, she is paying a substantial amount per month rent in Orange County since there were no comparable options in Chatham. My daughter is the kind of working professional who volunteers in her community, the kind of neighbor and taxpayer that we want to get invested in our community. I urge you to favorably consider this proposal so that my daughter and others like her can live in Northern Chatham County. Best regards, Tammie Eddins.
- Ms. Susan DeLaney asked is there a reason why the wastewater treatment facility cannot be located in the parcel that is preserved at least part of it because it would not disturb it too much and it would take the aerosols, the noise, and the odors away from the community. Is there a reason it cannot be moved?
- Chair Spoon stated maybe someone from the development team would like to answer that, but it might be because there is not enough space for the spray fields that are necessary, and it would be putting it behind neighbors that are currently uninvolved in the project rather than homes that are a part of this community. Mr. Ashness showed an example of a membrane treatment facility and how it is enclosed, screened, and how there will not be any issues with the location and the scale of the size of this project.

Ms. Caroline made a motion to approve this item with the recommendations made by the planning staff and a condition to keep the walking trail in the natural areas and stream buffer areas unpaved, second by Mr. Arthur. Chair Spoon conducted a roll call vote and this item passed 10-0, unanimously.

- Mr. Sullivan stated with the condition about the trails not being paved near the stream buffers should be a condition tied to the rezoning and we will talk to the applicant after the meeting to get that worked out.

2. Request by Mark Ashness on behalf of TBM Partners for subdivision **First Plat** review and approval of **Chapel Oaks Subdivision**, consisting of 31 lots on 76 acres, located off Old Lystra, SR-1724 and Peak View Place SR-1886, parcels numbers 18659, 18661,61553, and 60646.

The request is for First Plat review and recommendation of Chapel Oaks Subdivision, consisting of 31 lots on 79 acres, , located off Old Lystra, SR-1724 and Peak View Place SR-1886, parcels numbers 18659,

18661,61553, and 60646. A vicinity map showing the property location, attachment # 6, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval, or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal.

Roadways: Chapel Oaks Lane, Twisted Oak Way and Peak View Place are proposed to be built with a 20-foot-wide travel way and a 60-foot-wide public right-of-way and is to be state maintained. Peak View Place will extend through the proposed project.

Historical: The applicant contacted Sy Robbins and Bev Wiggins, Chatham County Historical Association (CCHA) on August 16, 2021, via email correspondence. There are some shelters on the property that were constructed in the 1950s and no gravesites. After the September 15, 2021 TRC meeting Mr. Ashness corresponded by email dated September 19, 2021 with recorded documents dating to 1844. CCHA asked the applicant to document the existing structures with digital photos, measurements, and provide locations of the structures marked on a map or aerial photo. See attachment #13.

Schools: Notification of the proposed development was provided to the Chatham County School System. Mr. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction corresponded by email dated August 17, 2021. See attachment # 14.

General Environmental Documentation: The developer submitted the General Environmental Documentation and a letter dated August 2, 2021, from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachment 15. The letter states "A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within

the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed."

Rachael Thorn, Watershed Protection Director, reviewed the information submitted. Ms. Thorn replied in a letter dated August 18, 2021 that the requirement has been met. Additional comments included any Allowable uses and Allowable with Mitigation uses in the protected riparian buffer will require a Buffer Authorization from Chatham County, all permits with wetland and stream impacts from NC Division of Water Resources and the US Army Corps of Engineers will need to be obtained prior to receiving approval from Chatham County for a Grading Permit and Land Disturbing Permit.

Community Meeting: A community meeting was held on August 10, 2021, at The Parlour at Manns Chapel, 175 Poythress Road, Chapel Hill. Approximately twenty-one people attended the meeting. Items/issues discussed included:

- when will the road connection be completed?
- has a traffic study been performed?
- limited visibility on Peak View Place and Old Lystra Road
- can a stop sign be added where Legend Oaks stops, and Chapel Oaks begins?
- will there be sidewalks?
- Is there a project schedule?
- will there be lighting within the development?
- how does the project relate to the County's 20-year plan?
- will there be any school bus stops?

- what are the setbacks for each lot?
- can neighbors ask for access to public water being built?
- can a privacy fence be placed near Old Lystra Road?
- will the pond have aeration?

Technical Review Committee: The TRC met virtually on September 15, 2021 to review the First Plat submittal. The applicant Mark Ashness, P.E. was present and items discussed included that wetland buffers need to be shown, 12' wide access drives needs to be shown as easements, all grading and right-of-way on Peak View Place must stay out of the riparian buffer, if there will be street lighting it must comply with county outdoor lighting standards, the width of the flag lots for septic need to increase to 15', and if the connection on Old Lystra will be looped. Watershed Protection Department staff stated it appears that the no practical alternatives standards were met. Mr. Ashness stated there are a total of five septic areas across the stream buffer and that they would likely use a directional bore to cross the buffer. There will be lighting within the development and the lighting plans will be provided to Planning staff. Mr. Ashness stated that if the flow rate can be reached from Legend Oaks, they would not need to loop the waterlines.

Septic: A soils report and map, attachment #8, was submitted to James Tiger, On Site Wastewater Supervisor, REHS, with Chatham County Environmental Health, for review. Mr. Tiger stated that the report and map appear to be fine and recommends the 10' wide

connections between several lots to the proposed septic systems increase to 15' wide to install a pump line and maintain a 5' wide property setback. Mr. Jeff Foster, P.E. stated the 15' wide increase has been revised.

Water: Water will be public and provided by Chatham County Water Dept. for this development.

Road Name: The road names Chapel Oaks Lane, Twisted Oak Way and Peak View Place have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Water Features: Steven Ball with Soil and Environmental Consultants, PA (S&EC), submitted the Riparian Buffer Review Application along with a riparian buffer map, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake and Mr. Ball completed an on-site riparian buffer review on May 18, 2021, to verify the consultant's findings. Mr. Andrew Williams with the U.S. Army Corps of Engineers visited the site on June 3, 2020. Mr. Blake issued a confirmation letter of his findings dated August 17, 2021, confirming five (5) intermittent streams, four (4) perennial streams, and ten (10) wetlands were identified. The five (5) intermittent streams require 50-ft buffers, the four (4) perennial streams require 100-ft buffers, and the ten (10) wetlands require 50-ft buffers from all sides landward.

Stormwater and Erosion Control: Three stormwater devices are proposed and will be placed in open space. The devices are located between Lots 26 and 27 and nears Lots 14 and 12. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

Site Visit: The site visit scheduled for September 22, 2021 was rescheduled to September 30, 2021, due to inclement weather. At the time of preparing the notes for Planning Board packets staff has not visited the site. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamcountync.gov/planning, Rezoning and Subdivision Cases, 2021.

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. These properties are in an area of the county identified as Neighborhood Center, Compact Residential, and Rural on the Future Land Use

and Conservation Plan Map. A small western portion of the project is identified as neighborhood center, a small center portion of the project is identified as compact residential, and the northern portion of the project is identified as rural. The description for neighborhood center includes small-scale retail, office, and service uses. The description for compact residential includes a mix of detached and attached residential units, local and collector streets are connected with access to surrounding development, and open space with small pocket parks and gardens. The description for rural includes single family homes on large lots, low density development, mix use of agriculture, home-based and small-scale businesses, open space, greenway trails, protected lands, and conservation easements.

The proposed subdivision meets the adopted riparian buffer and stormwater control standards of the county. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and no rare species were identified in their records. It should be noted that Plan Chatham is not intended to be used as a regulatory tool but is a policy document. When reviewing subdivision applications, the boards can use the plan as a tool to identify future regulatory changes.

The Planning Department recommends granting approval of the road names Peak View Place, Twisted Oak Way, and Chapel Oaks Lane and granting approval of subdivision First Plat for **Chapel Oaks Subdivision** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners.
 2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.
- Mr. Ashness stated this is a standard Chatham county subdivision with the lots averaging greater than 2 acres, shoulder and ditch section with stormwater pond addition, impervious impacts will be very low because of the size of the lots and lack of curb and gutter. We are connecting to Legend Oaks and coming out to Old Lystra Road. The structures on the site are old and looks like it might have been for agriculture storage. There will be county water and individual septic systems. HOA will maintain the open space and all the ponds are located in the open space.
 - Public Input:
 - Mr. Tony Pendola stated he lives near this project and the septic field on lot 17 appears to be about 100' away from our well is that a good distance? Mr. Ashness stated yes, the well separation requirements by the county is 50' and we are 100'. The septic field is that whole area, but that does not mean all of that will be used, the repair field may never be used.
 - Mr. Pendola also stated during the community meeting with my property being the most impacted by this project that the developer would be willing do some landscaping or fencing and that was not made clear at the meeting. Mr. Ashness said at the community meeting we stated these lots are very deep at least 240' deep and what the builder stated at the meeting is they are not going to clear these lots and leave them wooded. Our expectation is you would not have any activity back there near you. Mr. Pendola stated yes, but lots 15 and 16 do not have any woods, it is open fields. Mr. Joe Cebina with the development team stated if it is open fields then it is not going to change from the state it is now. Mr. Pendola stated the difference is there will be homes there. Mr. Cebina stated there will be homes a couple hundred feet away and does not understand the concern because you are looking at an open field now and you will still be looking at an open field.

Chair Spoon asked is there any kind of vegetative buffer you would be willing to provide? Mr. Cebina asked what is required by the regulations? Mr. Sullivan stated there is nothing required, and it would have to be a private agreement between the two property owners. Mr. Cebina stated we would be interested in splitting the cost of a fence with the property owner. It is hard for us to predict what our buyer want in their backyard other than they want to have as much space as possible. Mr. Cebina stated the home will be 200' away from the property and I do not know what kind of buffer is appropriate with so much distance between structures. Mr. Cebina stated he is not trying to be difficult; he is just trying to be reasonable it is hard to promise a buffer when there is so much space.

- Chair Spoon stated it is 11:00pm and there is a full agenda next month as well how does the board want to proceed?
- Ms. Weakley stated she has some issues with the layout and the septic fields and is in favor of tabling this item until next meeting. Vice-Chair Lucier stated it is reasonable to have an 11:00pm cutoff time. Mr. Arthur stated he does not have any issues with this project, he is not really happy about the septic, but we should vote on it. Chair Spoon stated he understands but does not want to press board members to stay too late.

Motion made by Vice-Chair Lucier to table this item until the November 2, 2021 Planning Board meeting, second by Ms. Weakley. Chair Spoon conducted a roll call vote to table this item and it passed 10-0, unanimously.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Vice-Chair Lucier stated the Pittsboro Planning Board meeting discussed a subdivision along 15/501 740 acres with 2250 homes.
- Ms. Siverson stated the Agricultural Advisory Board presented to Chatham County a Cattle Celebration Resolution to the BOC and was passed. Chatham's cattle production ranks third in North Carolina for total cattle population and we have 34,000 head of cattle in our county 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 and a presentation by the New Hope Audubon Society about leave your leaves campaign, now is the time not to rake. Also, discussion on reducing your lawn and lawn alternatives.
- Chair Spoon asked if we could set a date for a special meeting to receive a UDO information. It was discussed and the special meeting will be held on November 8, 2021.

XI. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

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

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 11:08 p.m.

Signed: _____ / _____
Jon Spoon, Chair Date

Attest: _____ / _____
Dan Garrett, Clerk to the Board Date