



## Chatham County Planning Board Minutes February 6, 2024

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

### Present

Jon Spoon, Chair	Clyde Frazier, Vice-Chair
Tony Mayer	Shelley Colbert
Mary Roodkowsky	Eric Andrews
Norma Hernandez	Nelson Smith

### Absent

Elizabeth Haddix  
Amanda Roberson

### Planning Department

Jason Sullivan, Director, Angela Plummer, Zoning Administrator, Kimberly Tyson, Subdivision Administrator, 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. DETERMINATION OF QUORUM:  
Chair Spoon stated there was a quorum, 7 members were present. Ms. Hernandez arrived during item VI.
- III. APPROVAL OF AGENDA:  
Approval of the Agenda – Vice-Chair Frazier asked that the item on consent be moved to discussion. Motion made by Mr. Mayer, seconded by Mr. Andrews. The agenda was approved, 7-0, unanimously.
- IV. APPROVAL OF THE MINUTES:  
Consideration of the December 5, 2023 meeting minutes. Minor edits were noted. Motion by Ms. Roodkowsky to approve the December 5, 2023 minutes and seconded by Vice-Chair Fraizer, the minutes were approved 7-0, unanimously.

V. PUBLIC INPUT SESSION:

- Ms. Melisa Semenov spoke and stated, I live on Hadley Mill Road in Hickory Mountain Township which is part of Chatham County's working rural landscape and my farm supports livestock. Agriculture, silviculture, and related uses are important for Chatham's future economic health and quality of life for all citizens. Our county's Planning Board and Board of Commissioners need to prevent urban sprawl from degrading our working rural landscapes by saying "no" to all proposals for Conditional Uses associated with urban and suburban sprawl in these rural landscapes. We will lose our working landscapes without leadership from county officials. Do not set precedent by allowing conditional use urban sprawl land uses into rural Chatham County. Thank you to the members of the Planning Board for donating your time to this board. I am aware that there will subsequent opportunities to voice concerns regarding the rapid development and possible resonance of agricultural land. However, it is important to come before you early in the processes of rezoning agricultural land. Thank you for the good foundation of land use planning. I am counting on you to honor that plan as we grow.
- Mr. Bob Maurey spoke and stated he lives at 1921 Hadley Mill Road and wants to make the Planning Board aware of a community meeting that was held in January at the methodist church off of Pleasant Hill Road. It was to discuss the development of a potential cricket field on 20 acres which was timber land. In that meeting the host asked for a vote of those attending in favor of the development and of the 76 property owners in attendance, 74 of them voted against the cricket field and the other 2 did not vote for or against it. I have since visited other neighbors who were not at the meeting or could not get in because it was held in the basement and it was a small space, and they are aware of the UDO and are wondering why it is taking so long to get it adopted. Also, the loss of farmland and timber land in Chatham County has come to the attention of the Commission of Agriculture and in an article, he wrote, he spoke of a third of the farmland being lost in the next couple of years and he cited Chatham County in his article. Mostly due to the Chatham Park project and the VinFast project totaling 11,500 acres in just two projects. Ms. Semenov and I are representing the rural people in our area, and we would like to see the adoption of the UDO and it enforced.
- Chair Spoon stated the UDO has been a huge undertaking, but it is moving forward, we are working hard to cover all of the material to make sure we have a solid and working ordinance. The timeline is approximately 12 to 18 months before adoption of the UDO.

VI. DISCUSS ELECTION OF OFFICERS:

Discuss the election of Planning Board Chair and Vice-Chair.

- Chair Spoon asked if the Board felt comfortable moving the election of the officers to the February 20<sup>th</sup> special meeting because we have a full agenda this evening and a couple of members are absent tonight. There was some discussion about the February 20<sup>th</sup> meeting being a closed or open meeting and it would be more transparent to the public if we were to hold our elections at an open meeting. It was determined that the February 20<sup>th</sup> meeting will be an open meeting and if needed could go into closed session towards the end of the meeting. Vice-Chair Frazier made a motion to move the election of the officers to the February 20, 2024 meeting. Seconded by Mr. Andrews. There was a vote, and the new election date was approved 8-0, unanimously.

VII. CONSENT ITEM: This item was moved off of consent and was discussed.

1. A quasi-judicial request by The Towers LLC dba Vertical Bridge for a Special Use Permit on approximately 3.25 acres of parcel 83021, located off NC 42, Moncure, for a wireless telecommunications tower, Cape Fear Township.

- Vice-Chair Frazier stated the application he received did not seem to be filled out completely and should this be a concern and section C had not been filled out as well? Ms. Plummer stated the applicant filled out the application and checked the appropriate boxes as required. No concern at all with the application.
- Vice-Chair Frazier stated his other concern is a graveyard which is to be protected by jersey barriers and evergreens, but on the plan, there are no evergreens shown, do we assume these will be planted or should these need to be added or make it a condition? Ms. Plummer stated communication towers do not go before the Chatham County Appearance Commission and we do not regulate that. Mr. David Best, the representative of Vertical Bridge stated the reason they did not show the evergreen on the plan is because they did not know what type of species they were going to plant, but it will be a fast-growing evergreen. Mr. Best stated he will be happy to add a condition to plant the evergreens. Mr. Mayer stated there is a native plant list on the Chatham County Planning department website and to please reference that before picking the appropriate evergreen because if this were to have gone before the CCAC, they would ask for a native tree be planted. Mr. Best stated they will look at the list and pick a native evergreen.

Motion made by Vice-Chair Frazier to approve this item with the additional condition to plant evergreens to protect the graveyard. Seconded by Mr. Mayer. There was a vote, and the item was approved 8-0, unanimously.

VIII. SUBDIVISION ITEM:

1. Request by Brian O’Kane, P.E. on behalf of Garden Street Communities Southeast, LLC for subdivision **First Plat** review and approval of **Savannah Ridge**, consisting of 78 lots on 152.08 acres, located off Moncure School Road (SR1931), parcel 11229 in Haw River Township.

Ms. Tyson said the request is for First Plat review and recommendation of Savannah Ridge, consisting of 78 lots on 152.08 acres, located off Moncure School Road, S.R. 1931. 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) meetings to act on the proposal.

In August 2021 Savannah Ridge submitted an application for a conservation subdivision of 158 lots. The Planning Board recommended denial based on errors and inconsistency with the conservation subdivision standards and guidelines. The specific deficiencies were the primary natural space being inconsistent with the guidelines. This project was withdrawn prior to the Board of Commissioners receiving the application for a final decision. The road is to be built as a 20-foot-wide travel way with a 60-foot-wide public right-of-way and is to be state maintained.

The applicant contacted Bev Wiggins and Sy Robbins, Chatham County Historical Association (CCHA). CCHA is disappointed that no on-site cultural investigation was completed. This area was the Minter Plantation and possibly Minter family and slave graves may be on the site. The applicant is encouraged to follow the CCHA's guidance document checklist. (Note: the Subdivision Regulations do not include a requirement for an on-site archaeological field reconnaissance survey). Notification of the proposed development was provided to the Chatham County School System.

Chris Blice, Chatham County Schools Assistant Superintendent for Operations was contacted by email dated November 16, 2023.

Due to the number of lots, an Environmental Impact Assessment (EIA) was required to be submitted and peer reviewed. The EIA dated August 31, 2023 and updated October 5, 2023 was prepared by Timmons Group and peer reviewed by Johnson, Mirmiran & Thompson (JMT). Per the EIA Appendix D "Threatened and Endangered Species" per the US Fish and Wildlife Service, are the tricolored bat, red-cockaded woodpecker, Cape Fear Shiner, monarch butterfly and harperella document states there are no critical habitats within the project area. Per the NC Natural Heritage Program (NCNHP) The letter states "A query of the NCNHP database, indicates that there are records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. The proximity of these records suggest that these natural heritage elements may potentially be present in the project area if suitable habitat exists."

The greenway is an old railroad bed and a 30' wide greenway easement is proposed across the back portions of the lots fronting Moncure School Road. The easement will be given to Chatham County in lieu paying the recreation exaction fee and Parks & Recreation Department requested the easement dedication. Details will be finalized by final plat regarding the legal.

A community meeting was held on December 19, 2022, at Sprott Youth Center, 80 Sprott Center Drive, Moncure, NC. Approximately twelve people attended the meeting. Items/issues discussed included increased traffic, boat owners parking in the neighborhood when the Poe's Ridge Boat Ramp parking lot is full, signage at the intersection of Jordan Dam Road and Moncure School Road for safety, location of construction entrance, adequate disposal area for septic systems, issues with neighbors existing septic disposal system, stormwater ponds attracting mosquitos, power easement, nuclear evacuation area, school capacity, and protection of environmentally sensitive areas.

The TRC met December 13, 2023, to review the First Plat submittal. Mr. Zach Daugherty with Garden Street Communities Southeast and Brian O'Kane, P.E., were present. Discussion included standard setbacks will be required for each lot, if there will be street lighting, if the greenway will extend across lots 64-74, recreation payment in lieu fee being waived, apply for a fire flow test, best to tie into the water line off Moncure School Road, plat was missing a few wetland calls and needs to be shown on revised plat, label each stream transition and buffers, road names are approved, possible slave grave sites may be on property because the Minter Plantation was in this area, and label open space areas.

A soils report and map were submitted to James Tiger, Chatham County Environmental Health Supervisor II, for review. Mr. Tiger stated, "The proposed septic area square footage is small and typically 10,000 square feet is estimated for 3-bedroom home depending on the soil suitability and trench product. The initial, repair area and tanks will need to be in the suitable soil area." County water will serve the subdivision. The road names Savannah Ridge Lane, Warren Drive, Orleans Drive, Telfair Lane, and Mercer Ridge have been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Lauren Norris-Heflin with Timmons Group submitted the Riparian Buffer review application along with a riparian buffer map to Drew Blake, Asst. Director Watershed Protection Dept. Drew Blake with Chatham County Watershed Protection Dept, Morgan Gilbert, and Lauren Norris-Heflin with Timmons Group completed an on-site riparian buffer review on July 28, 2020, to verify the consultant's findings. The August 25, 2020, confirmation letter stated one (1) perennial stream, two (2) intermittent streams, eleven (11) wetlands, and three (3) ephemeral streams. A 30-ft buffer from top of bank landward on both sides of the feature for all ephemeral streams, a 50-ft buffer will be required beginning at the flagged boundary and proceeding landward on all wetlands, and a 50-ft buffer from top of bank landward on both sides of the feature for all intermittent streams. On-site determination expires five years from the date of the riparian buffer report. The Jurisdictional Determination (JD) was reviewed by Jean Gibby with Army Corp of Engineers dated August 31, 2020. Development Schedule: One phase is proposed for 78 lots with final plat submittal by December 31, 2028.

There are four (4) proposed stormwater devices and as part of the stormwater permitting process additional information will be provided to the Watershed Protection Department during the permitting process. 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 visits were scheduled for December 14, 2023, for Planning Department staff and various board members to attend. Zach Daugherty and Brian O'Kane were present to walk the property with staff and Board members and discuss the project. Pictures of the site visit can be viewed on the Planning Department webpage. The Chatham County Conservation

Viewer shows the proposed project is within a hunting safety buffer and a smoke awareness area. The hunting safety buffer is shown in pink and the smoke awareness area shown in green. These are not regulatory buffers, but notifications from the NC Forestry Service and Wildlife Resources Commission regarding activities that occur on the adjoining property owned by the Army Corps of Engineers.

Ms. Tyson stated the Planning Department recommends granting approval of the road names Savannah Ridge Lane, Warren Drive, Orleans Drive, Telfair Lane, and Mercer Ridge and granting approval of the First Plat for **Savannah Ridge** with the following conditions:

1. The following development schedule shall be submitted: Construction Plan submittal for 78 lots within thirty-six (36) months of the First Plat approval with Final Plat submittal by December 31, 2028.
2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.

Ms. Tyson added a third condition and is noted below.

3. On the Final Plat, the thirty (30) foot greenway shall be shown.

- Mr. Zach Daugherty thanked the Planning Board members who were able to join the site visit and also gave a brief overview of the project. Mr. Daugherty said they were before the board a couple years ago with a conservation subdivision and took the feedback from that experience and made changes to the project that addressed all the previous concerns. This is a conventional subdivision with 78 lots on 152 acres with public water and individual septic systems. This subdivision plan is not as dense as the last plan and highlights the natural characteristics of the property. The property is near Jordan Lake, and we will incorporate a greenway for a nice place to take a walk.
- Mr. Daugherty introduced Mr. Brian O'Kane, the engineer on the project and Mr. O'Kane stated we have been working closely with Ms. Tyson and Planning staff for over a year now and we feel we have provided a nice subdivision with minimal environmental impacts. This project will tie into the existing public water and will provide good water pressure. The average lot size is 53,000 sqft and the number of lots is driven by the suitable soils for septic systems. There are two access points to the project, both are located on Moncure School Road, but they are as far away as possible from the Moncure School entrance. We wanted to have an entrance on Jordan Dam Road, but it is controlled by the US Army Corps, and they would not allow it. We want to develop on both sides of the stream and having the entrance on Jordan Dam Road would have allowed us to have no environmental impacts, but because we are not able to do so, we do have one stream crossing on the project. Mr. O'Kane stated the Right-of-Way within the project will be 60 feet instead of the previous 50-foot ROW. We also heard about the concern of the discontinuity of open space, and in this plan, we have created pockets of open space throughout the property. We have been working with Chatham County Parks & Recreation to develop a greenway on the property which was an existing railroad bed. The previous plan had a proposed community septic system, we have completely gone away from that plan and incorporated individual septic systems on each lot.
- Mr. Smith stated he lives near this proposed neighborhood and the residents will be impacted in the mornings due to school traffic. There will also be a lot of traffic during the summer months as well because of people trying to get to the boat launch ramps. Mr. Smith asked if they have any plans to build water retention ponds in the project. Mr. O'Kane stated yes, we will construct four separate ponds on the property. Mr. Smith asked if they have selected the types of plants, they will be using in the ponds to capture nitrogen and heavy metals. Mr. O'Kane stated they have not gone into that kind of details for the First Plat, but that would come into play during the construction plan. Mr. Smith asked about the septic systems and to elaborate on the individual systems. Mr. O'Kane showed the Planning Board members the map with the suitable soils and stated they will be working with Environmental Health department to receive the individual septic permits for each lot.
- Chair Spoon asked if there were going to be any off-site septic systems. Mr. O'Kane stated no, all the systems will be on each individual lot and no off-site septic. Mr. Smith asked if there is a possibility of better broadband coming to the area. Mr. Daugherty stated he spoke with Google fiber, and they said the project was not big enough to justify bringing fiber to this area at this time.

- Ms. Colbert asked if the applicant were able to review the ERAC comments about the EIA and if so, do you have any responses to their concerns? Mr. Daugherty stated they do not but would like to hear the concerns and will respond the best they could. Ms. Colbert stated ERAC indicated that the school crosswalk was a concern and has there been any follow-up regarding the crosswalk. Mr. Daugherty stated during the site visit we made sure to highlight the proposed entrances to the project and showed how far away they are from the school. The entrances will not have any impact on the school or the crosswalk. However, the greenway we will be constructing is right across the street from the school and that will provide a safe walking path for any children that might be attending the school from this neighborhood. Ms. Colbert stated another question the ERAC asked was where and how will the 8" pipe cross the stream. Mr. O'Kane stated the pipe will be within the Right-of-Way embankment and the permits will be provided by the State and the US Army Corps. It will be one stream crossing, the road and pipe together, not a separate crossing. Ms. Colbert asked if there are plans for sidewalks. Mr. O'Kane stated we are not proposing sidewalks along the road, they will have ditch sections. Ms. Colbert asked about the small area of hardwood trees along Moncure School Road and if they would be protected. Mr. O'Kane stated yes, that is a natural area, and those trees will be preserved. The only disturbance in the whole project will be for the road and the individual home site, everything else will be left as it is. Ms. Colbert stated the last concern from ERAC was about the controlled burn and if you could elaborate on how that would be performed. Mr. Daugherty stated this is something I would have to discuss with the site contractor, but it is regulated by the Forestry Department and can only be burned during certain times of the day and only on certain days. The most we would burn is probably a week of burning.
- Chair Spoon stated a lot of this property is pine trees from timber management, but most of the hardwood forest is located along the buffer and stream, will they stay preserved? Mr. O'Kane stated yes, they will stay preserved, the only disturbance within the buffer will be the road crossing.
- Mr. Mayer stated he is not happy with the long skinny lots on the project, and it would be ideal for all of those lots to stay open, do you suspect homeowners to install fencing? Mr. Daugherty stated that will be a HOA restrictive covenants question. Ideally it would be better if there were not fencing, also these are 100-foot wide and 600-foot-deep lots, which is a lot of area to fence in and right now the going rate is \$30 a foot for fencing, so it would be a lot of money to fence in one of these lots. Mr. Mayer asked the applicant to show the greenway on the plat and where it would be located. Mr. Daugherty showed the board where the greenway will be located and how it is following the existing railroad bed. Mr. Mayer pointed out an open space easement on the plat and asked if it will remain an easement. Mr. O'Kane stated yes, this will remain an open space easement to gain access to the greenway.
- Ms. Colbert asked what is the status of the Minter property? Mr. Daugherty stated we do not own that property and it is not part of this project, but we did provide access to the property.

Motion made by Vice-Chair Frazier to approve this item, second by Mr. Mayer. There was a vote, and this item was approved by a vote of 6-2, opposed by Ms. Colbert and Mr. Nelson.

#### IX. ZONING ITEMS:

1. A legislative request by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd, New Hope Township.

Ms. Plummer stated a legislative public hearing was held November 20, 2023 for this request. Planning staff presented the item and representatives for the applicant and members of the public provided comments. Due to the number of written comments received prior to and after the public hearing, staff exercised the one-month postponement to the Planning Board to review all the additional information.

Mr. Lewis previously applied for a rezoning of these parcels for boat and RV Storage in 2016 and that request was denied by the Board of Commissioners. He currently owns the Extra Garage II which is located approximately 500 ft from this proposed site. There have been no known issues with this facility, and it is currently full. It was stated this property could be used for residential purposes and even though it does not have suitable soils for conventional septic system, a state approved system may work. No information has been provided to support that concern.

These parcels adjoin the US Army Corp of Engineers property for Jordan Lake; specifically, Poplar Point, one of several campgrounds in the area. It is also in close proximity to the Poplar Point boat ramp and five others, all within 3.5 miles from this location. The Planning Department received comments in support of and opposed to the rezoning request and those documents are posted online. Concerns included concerns about property value depreciation, traffic during peak season, and the use of a refueling tank on the property.

When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported.

- 1. The alleged error in the Ordinance, if any, would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** The applicant is not claiming any errors in the Ordinance pertaining to this request.
- 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 public health, safety, and general welfare.** Pertaining to the refueling tank, the applicant has offered that service at his Extra Garage III location with no issues. It is a service that is offered to customers to avoid additional travel time on the main thoroughfares and reduce congestion of gas stations.

The residential growth in the county has continued to rise and more developments have smaller lots and restrictive covenants that prohibit storing boats and recreational vehicles on site. These facilities provide a service to residents that choose to be involved in this type of recreation. The applicant states there are 13 other facilities around Jordan Lake that are full. There have been several that have been approved for expansion supporting the need for more, low activity uses. Property tax is collected from these facilities for the boats and RVs in the county in which they are stored. This facility which is proposed for 198 units would generate approximately \$140,000 in tax revenue. The other facilities Mr. Lewis owns in the county generate approximately \$185,000 in tax revenue.

- 3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

The Rural designation primarily encourages residential uses but also includes supporting service uses.

Plan Goal, pg. 42, goal 6 encourages the supporting of tourism by providing the expansion of recreational opportunities and improving access. Page 56, Strategy 4.4 support the expansion of new and existing businesses that diversify the local economy while capitalizing on the county's unique assets.

Page 57, ED Policy 6 – encourages businesses that increase tourism and recreation opportunities. The county 2023-2024 budget includes plans to reinvest in Jordan Lake with a proposed new western water intake project currently under review. Currently approximately 2 million people visit the lake annually.

Page 40-41, Goal 5 – encourages conserving natural resources. Locating near access to the lake aids in reducing fuel usage for larger vehicles with shorter trips to and from the amenities of the lake.

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

Based on the applicant's research, 13 other facilities around or near Jordan Lake and Harris Lake are at capacity including the applicant's three other facilities. Many residents or customers are on waiting lists.

The applicant held a community meeting on October 9, 2022. Nine residents attended and concerns included traffic on Beaver Creek Road, fuel storage on site, lighting, and visual impacts to adjoining residences, and size of the facility. The applicant provided a traffic analysis at the public hearing that states Beaver Creek Road operates below capacity and the proposed use is not expected to have a significant impact on the road network. The report also states that turning lanes would not be warranted but the applicant is proposing to discuss with NCDOT the potential for a deceleration lane to help relieve concerns.

A property valuation report was also provided at the public hearing that shows residential properties in the immediate area all increased in value from 49% to 198% therefore the existing facility has not reduced property values.

The applicant met with the Chatham County Appearance Commission on December 14, 2022. Some slight modifications were suggested by the commission to include a 25 ft buffer where the tree line begins at the street inwards towards the property line due to the power line crossing. Some plant substitutions were suggested to present a more native, diverse plant species. Most of the lighting will be with full cutoff fixtures inside the facility with just a few external that will also be full cutoff. One, illuminated sign will be present. The commission approved the plan as amended.

- 5. All other circumstances, factors, and reason which the applicant offers in support of the proposed amendment. The facility will not need water or sewer as no bathrooms or washing of vehicles will be allowed or provided.**

There is a fire hydrant on Beaver Creek Road approximately 150 ft away. NCDOT has approved two access entrance driveways for the facility.

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

Should the recommendation be for approval, a consistency statement is provided below for consideration:

- The development is low activity and has been designed to keep in the spirit of the Rural designation and is located within ½ mile of a Crossroads Community activity node. Additionally, the property is designed for very low traffic volume and is landscaped for virtually no visibility from the road.

The following conditions are offered for consideration:

#### **Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the revised site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan becomes null and void.

#### **Standard Site Conditions**

3. 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.
4. All required local, state, or federal permits (i.e., NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

#### **Standard Administrative Conditions:**

5. Fees - Applicant and/or landowner 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, and building inspections.
6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.



8. 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 permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.
- Mr. Brady Herman, the representative for the applicant Walt Lewis, stated Mr. Lewis has a long-standing presence as a small business owner in the county with three other storage facilities. Mr. Lewis wishes to expand his business due to the market and the high demand for boat and RV storage. Mr. Lewis purchased this parcel 9 years ago because of the close proximity to the existing six boat ramps and two campgrounds which offers a convenient access to Jordan Lake. According to the most recent article from the northcarolinaparks.gov website, for the second year in a row Jordan Lake is the most visited State Park in the North Carolina State Park system welcoming 2.5 million visitors in 2023, which is a half a million more than the previous year. In addition, we all know Chatham County is growing exponentially, 15,000 to 20,000 new residents will move into the county in the next few years, and they will need a convenient way to store their boats and RV's away from their property due to HOA and other restrictive covenants. We know this directly because the Lewis's are constantly fielding calls from potential customers inquiring about their facilities and asking to be placed on a waiting list for an open space. While we appreciate the enthusiastic and heartfelt comments that have been submitted in opposition to our proposal, we are reminded by the saying, everyone likes progress, but nobody likes change. As Chatham grows comes the need for businesses that support and carryout the county's goals and provide tourism opportunities around Jordan Lake.
  - Mr. Herman asked the board to focus on the facts provided by the traffic engineer report, market research, and data that was accumulated to demonstrate the need for this facility as well as the testimonies of the applicant's customers who will be able to speak on the safety and wellbeing of the customer base. They will be able to offer real life experiences and not speculations to the minimal impacts this facility will provide to the surrounding areas. Also, in the December Planning Board meeting you recommended for approval a very similar project by Viridian Holdings, LLC for a boat and RV facility, north of Hwy 64. The difference between their project and ours is our facility is significantly smaller and closer to Jordan Lake and will have less traffic on Beaver Creek Road.
  - Mr. Herman displayed a presentation for the Planning Board members showing the project parcel and the proposed storage facility. This area will be held to a maximum of 24% impervious surface due to the watershed district and we will be proposing 198 covered RV and boat storage with two access points and aesthetically appealing landscaping to help preserve the rural character of this area. This property is .6 miles away from a crossroads community with a mixed-use of commercial development and 500 feet to the north is an existing church. There will be six buildings with internal access to the storage units and everything will be inward facing so the lighting will be downward and not impact the neighboring properties. There will be a fuel tank in the middle of the property and the applicant already offers that service at his other facility and the customers love it due to the convenience and not having to travel and transport boats and RVs to other gas stations in the county. There will be two entrances to the facility and a proposed 200-foot deceleration lane on the entrance heading south on Beaver Creek Road. This deceleration lane is not required by NCDOT, but the applicant is willing to provide the turn lane because he feels it will be a great enhancement to our project and help address any traffic or safety concerns. NCDOT has already given preliminary approval for this turn lane, and we ask that this is added as a condition if recommended for approval.
  - Mr. Herman stated this project was before the CCAC to review the landscape plan and the existing trees will remain to provide a 25-foot buffer and we are adding an additional buffer on the northern property line because a resident lives on an adjoining property and we are willing for that to be a condition added as well. Mr. Herman went through each of the five findings showing the board members' justification that all five findings have been met. Mr. Herman showed the similarities between their project and the recently approved Viridian Holdings project and why the Walt Lewis proposed project is actually a better project due to less traffic and smaller in size. Mr. Herman thanked the Planning Board and their consideration for recommended approval.

## Public Input:

- Mr. Ervin Henderson said he is here to reiterate everything you have just heard. Mr. Herman laid out the justification and the need for this facility. All of the facilities around Jordan Lake and Harris Lake are filled and it has always been that way, I myself am a current customer of Mr. Lewis and it took me one year on the waiting list just to get into his facility, that is how bad it is. We have corporations moving here and that will bring population growth that is affluent and will have boats and RV's. The problem is all of the major home developments are in subdivisions that are controlled by HOA's and the HOA's are brutal in what they do and do not allow. I personally live in the Legacy at Jordan Lake and my bylaws specifically say you cannot have an RV or a boat anywhere on your property or any of their facilities and you cannot even have it on your own driveway for more than 1 day. That is probably typical for most people that live in this area and that is the source of our problem. This facility will bring in funds to help the community and there in reason or rational for not supporting this proposal by Mr. Lewis. I hope this is a proposal you give positive consideration.
- Mr. Dennis Reynolds stated he is in favor of this proposal, and I am fishing partners with Mr. Henderson. We have fishing tournaments with 30 boats coming up in March. My family is from Moncure, and they were part of the commuters driving to Chapel Hill, Monday through Friday. We will be using this facility for our boat storage only on the weekends and holidays. My grandparents have had their land acquired by the government in the 1970's to build Jordan Lake. My other grandparent had a store located on Old US 1 for many years, but then new Hwy US 1 was build. Now, my father is having his land acquired because of the road coming into VinFast cuts right through his property. Change is coming and it is here, and the infrastructure to support those multibillion-dollar companies will be supplied by small businesspeople like Mr. Lewis. I am glad to see Chatham growing, it is not always easy, my mother-in-law is a Mann, from Mann's Chapel and her farm is mostly subdivisions now. We have felt this change personally, but I am glad to see the young people who are growing up in this county will also have jobs in this county.
- Mr. Daniel Galvin lives at 802 Beaver Creek Road which is an adjoining property of the proposed project. I come here in opposition of approval for the proposal, and I want to site a few things that I feel are important for the board to consider. This very same project was presented to the Planning Board and County Commissioners in 2016 and was rejected because of the staff's opinion that the rezoning would have a destabilizing effect on the residential uses of the surrounding areas. The applicant has said the land could not be used for residential uses because the land did not perk and there could be no septic system. I own a vacant lot to the north of my residence and is currently permitted to allow construction of a residence that would provide a septic system with an alternative system. The land can be used for residential use and that was a misrepresentation by the applicant to say it could not. Mr. Lewis's council showed an increase in property value, but that was during a time when land value was rapidly increasing anyway. This fails to distinguish between causation and correlation which is an important part of statistical analysis. He also raised the tax revenue to the county, if he were to build his facility zoning commercial the value of that land would be higher and would have a high tax value and generate more revenue for the county than it would here at this location. By building here he is decreasing the county revenue.
- Mr. Lee McInnis said he has been a Chatham resident for 2.5 years after moving from Apex. I have been a client of the Extra Garage for over ten years, but prior to that I would pull my boat from Apex to the Jordan Lake boat ramps. I could not imagine towing my boat down Hwy 64 now with all of the congestion and traffic lights. Mr. Lewis takes great pride in maintaining his locations and they are aesthetically and environmentally friendly, plus the economic benefits to the county. As we are aware most subdivisions do not allow boat and RV storage in the communities. In the last few years RV ownership has risen more than 62% with 12 million RV owners as of the end of 2022. Additionally, 9.6 million families plan to purchase an RV in the next few years, and other 11% of US households own a recreational vehicle. Boats per 1000 people in North Carolina is 35.5 which ranks 27<sup>th</sup> in the nation. As we consider the growth of Chatham and Wake counties as well as the surrounding areas, that is a lot of boats out there. Another interesting statistic is that most boat and camper owners make less than \$100,000 per year and that highlights even without high purchasing power consumers are spending money on these types of products and activities. Lastly, the campgrounds and boat ramps on Jordan Lake are fixed, we are not driving down Beaver Creek Road just because it is a way to get to the lake, it is because that is where the boat ramp is located. With limited access points we will be on these roads, and do we want people towing boats and campers 15 to 20 miles or 1 mile? Mr. McInnis thanked the board.

- Mr. Tom Colhoun stated he is in support of this proposal and currently lives about 200 yards away from the Extra Garage #2. The new facility on Beaver Creek Road will be less than a quarter mile away from my home. As a professional real estate agent for the past 20 years, the proposed use is the best use for this property with the least impact to neighborhoods and traffic. The current storage facility is well maintained and does not cause any traffic issues or nuisance to the area. The business is an asset to the area and creates much needed tax base for Chatham County. It is the best use of the parcel and is much needed considering the boats and RV's that can enjoy the quick access to boat ramps and campgrounds. This is a rather thin strip of property and is not suitable for any other type of business, but Mr. Lewis's proposal makes perfect sense. Residential development would require each house to have access on Beaver Creek Road and would create more concerns and more issues with traffic than the proposed access for this facility. The tax revenue of a business would be greater than the taxes on housing and all of the services required to maintain a residential development. I hope you find the proposed business development makes the best sense for this property and you vote favorably for this project.
- Mr. Mark Harves said my wife and I are new boat owners and when you have a boat you need to find a place to put it. There is no place to store a boat around a lake we would be driving up and down the Interstate with our boat. I was placed on the waiting list for Mr. Lewis facility, and I had to wait quite a while until I was able to receive a spot. I was out at the facility, and I met a local game warden and told him that I just recently received a spot at the storage facility, and he asked me if somebody died. That is how hard it is to get into one for these spots. Storing our boat at this facility has been one of the best decisions we have ever made as a boating family because it limits our driving time. This proposed facility is close to access points to the lake which is key as a boat owner. This is a safe place for me to store my boat and fuel is provided on site, so I do not have to drive all over the place to try to find marine fuel for my boat. We have a lot of growth coming to Chatham County with a lot of people who own boats, I hope you consider this proposal.

Board Members:

- Mr. Smith stated in 1971 he worked at the inner coastal waterway doing boat repairs and boat storage. Jordan Lake is a supply of drinking water and boats pollute Jordan Lake. When boats are in storage, they drip oil into the soil. I heard how the facility will benefit, but I have not heard how the county will benefit other than tax revenue. Ms. Colbert asked how many units are being proposed for this facility. Mr. Herman stated there are 198 units being proposed.
- Chair Spoon stated one of the major differences between the Viridian Holdings rezoning proposal and this rezoning proposal is this will have a refueling tank on site and more information on how that will be managed would be beneficial to know. Mr. Walt Lewis stated he and his wife are the owners of the three other storage facilities and have been serving Chatham County for 20 years. The fuel tank is an above ground double walled tank which is approved by the State and County. The fuel is run out to a pump just like a normal pump you would see at a gas station for your vehicle and is operated by credit card. The pump is set up to allow up to 25 gallons per use into their boat. This is a very convenient service we provide our customers, so they do not need to hook up to their boat and find a gas station before heading to the lake. The fuel is a non-ethanol premium plus marine fuel which is not easy to find at normal gas stations. Chair Spoon asked if this pump has all the safety protocols and shutoff switches like a normal gas station would have. Mr. Lewis stated yes, it has everything that is required by the State for safety. Chair Spoon asked if there will be a restroom provided on site. Mr. Lewis stated there will not be a restroom on site and what I have learned over the years is when a family gets off the boat at the boat ramp the first thing, they do is empty their trash and use the lake's bathroom facilities.
- Vice-Chair Frazier asked for some more clarification on the plans for buffers and what will happen to the existing vegetation and what are you planning on clearing. Mr. Lewis showed the Planning Board members the landscaping plan and said all down the front of Beaver Creek Road there is an existing buffer which is about 30 feet deep with 40-to-60-foot pine trees and there will be additional landscaping where the two entrances will be located. Vice-Chair Fraizer asked if the site has been cleared besides the existing buffer that was mentioned. Mr. Lewis stated the site was timbered in 2016, but the required buffers were left undisturbed. Vice-Chair Frazier asked if they will be keeping some of the new growth or will it be cleared. Mr. Lewis stated he will clear a lot of it, so trees do not grow from under the buildings or fall on the building. However, we will double the size of the buffer on the north side so the neighbor will not be able to see the building. Vice-Chair Frazier suggested not to clear all of the trees except the buffer but try to select cut so the buffer is as natural as possible. Mr. Lewis said that is not a bad idea and will consider it.

- Vice-Chair Frazier also asked about the traffic study and when was it conducted. Mr. Lewis stated the traffic study was conducted in August of 2016 and what we did was a study of our #2 storage facility on a busy time and that is what they used to get an accurate number.
- Mr. Mayer stated the last time he was at a boat ramp there was a line of about 20 to 30 boats waiting to get into the water which took about an hour. That was a Saturday morning and is that a normal situation and have there been any discussions on adding more boat ramps for the lake? Mr. Lewis stated he is not aware of any discussions of adding more boat ramps and yes, the boat ramps are congested at certain times when everyone wants to get out on the water.
- Ms. Colbert asked how many units are located at the other facility located on Beaver Creek Road. Mr. Lewis stated there are 48 units located at the Extra Garage #2. Ms. Colbert asked of those 48 units what kind of vessels are being stored there and are there any sail boats? Mr. Lewis stated it is mostly fishing, skiing, and pontoon boats, we do not have any sail boats on site. Ms. Hernandez asked what is the price per gallon of the fuel you sell on-site? Mr. Lewis stated it varies just like a normal fuel station, but I provide the best price I can for my customers and cheaper than anywhere else, so they do not need to purchase fuel elsewhere.
- Mr. Lewis stated he was present during the discussion of the Viridian Holdings rezoning and heard the traffic concerns and that is why I initiated the discussion and approval by NCDOT for the 200-foot turn lane. Chair Spoon thanked Mr. Lewis for attending the meeting and adapting to the process.

#### Board Discussion:

Motion made by Vice-Chair Frazier to approve the rezoning item with the additional conditions, seconded by Ms. Colbert.

- Ms. Roodkowsky said there have been a lot of comparison made to the Viridian Holdings rezoning. On one hand it is compelling that this facility would be closer to the boat ramp, on the other hand, there is a lot of opposition to this rezoning and there was no opposition for the Viridian Holdings rezoning item. Ms. Roodkowsky asked do we really want to have all of our rural roads up to full capacity? Maybe we should leave some roads under capacity. There is also the thought that if you build it, they will come. If you widen a road, it is not long before it is congested again. Do we really want more boat storage, especially when we know boats are polluting. Do we want to encourage more and more boats on Jordan Lake? I understand there was public input for the facility, but these were people who already have storage for their boats. Ms. Roodkowsky said she was on HOA boards and the way to overcome those issues about storage is get yourself on the board and figure out a way to achieve those goals of on-site boat and RV storage within the communities.
- Ms. Colbert said there have been a lot of objection to this rezoning. I also agree with the environmental concerns associated with more boats and RV's and we need to think about Chatham County 15 to 20 years down the road and the future residents. Every time we approve a fossil fuel business, we are encouraging the burning of fossil fuels, and we are in the middle of a climate crisis, and it is not going to get better. As we approve the fossil fuel businesses, we are taking the county down a non-sustainable path. Ms. Colbert stated she disagrees with the Planning staff that this facility will benefit the county and is not sure why the change of support from the 2016 application and this 2024 application. My analysis differs in terms of long-term benefits to the county, but also all of the submitted comments in opposition. The people who spoke tonight in favor of the facility already have a financial association with the applicant. Ms. Colbert stated she does not believe there is any bad faith, and the people generally feel this is a good thing, I just happen to disagree. As far as comparing this application to the Viridian Holdings, we are not setting a precedent, we look at the facts case by case. This is a different situation, at least in my view, than other storage facilities. Lastly, boat ownership is about 12% of the population, and Chatham County has 34,000 households. Wake County has 445,000 households and 12% of them have boats, we are turning into Wake County's storage closet.
- Mr. Andrews stated the county has expressed a need for this type of product and the residents have expressed a need. I know firsthand in my line of work people are buying inexpensive residential homes just to park their boats and RV's and rent out the homes. This is an ideal location because it is so close to the boat ramps and would have very little impact on traffic outside of this area is a strong consideration and I look favorably at this rezoning. As a land consultant, the shape of this property would not be ideal for residential use and is the best for a boat and RV storage facility and I will support this rezoning.

- Chair Spoon reminded the board we have a motion and a second, is there more discussion or would we like to vote.

There was a vote for the rezoning item, and it was approved 5-3, opposed by Mr. Smith, Ms. Colbert, and Ms. Roodkowsky.

- Motion made by Vice-Chair Frazier to approve the consistency statement, "The development is low activity and has been designed to keep in the spirit of the Rural designation and is located within ½ mile of a Crossroads Community activity node. Additionally, the property is designed for very low traffic volume and is landscaped for virtually no visibility from the road." Seconded by Mr. Andrews. There was a vote, and the consistency statement was approved 5-3, opposed by Mr. Smith, Ms. Colbert, and Ms. Roodkowsky.

2. A legislative request by the City of Durham on behalf of Western Intake Partners (City of Durham, Chatham County, Town of Pittsboro, and OWASA) for a rezoning from R-1 Residential to Conditional District Light Industrial, on parcels 17538 and 17546, being approximately 121.583 acres), located on Seaforth Road, for a regional drinking water treatment facility, New Hope Township.

Ms. Plummer stated A legislative public hearing was held January 16, 2024. Planning staff presented the request and members of the applicant's team provided a PowerPoint presentation. Two residents spoke with one opposing due to concerns over hazardous materials, emergency evacuations, noise, land values, and peace and safety, and one requesting the unused land be protected as green space. Orange Water And Sewer Authority (OWASA) purchased this property in 1989 in preparation for constructing a future water intake in Jordan Lake and treatment plant. Now that the population of the jurisdictions that would benefit from this facility has increased, the project is now underway. The projected time to be completely operational is 2031.

The Appearance Commission reviewed the proposed site plan on August 23, 2023. They were satisfied with the amount of vegetation that would be remaining and noted areas that did not continue with an opaque, vegetative, year-round screen should be supplemented as described. After further discussion, they recommended approval of the plan. A community meeting was held July 20, 2023 and several residents in the community attended. Concerns were raised about noise, traffic, potential safety hazards, and effects on property values. Some adjacent landowners had more questions, so the applicant scheduled a second in person meeting on January 14, 2024. The major concerns were the chemicals used in the water treatment process, potential for an emergency evacuation should something happen, and risk to the residents and environment should a spill occur.

When determining whether a rezoning request should be approved under Section 5 Conditional Zoning Districts, the following findings must be supported.

1. **The alleged error in the Ordinance, if any, would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** No errors are being claimed.
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 public health, safety, and general welfare.** In order to support existing and future growth, a regional water treatment facility (RWTP) has become a necessity. The other two in the area are the Chatham County Utilities' Jordan Lake WTP and the Town of Pittsboro. This facility will allow the Western Intake Partners access to their portion of the Jordan Lake water supply allocations made by the NC Environmental Management Commission.

Benefits to the county include protecting public health by providing treated drinking water from Jordan Lake and offering more fire protection for the community. A fire hydrant is proposed near the intersection of North Pea Ridge Rd and Seaforth Rd. This will also help with homeowner's insurance rates.

Employment opportunity will require 10-20 total employees on a daily basis.

3. **The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

- Ch 2, page 13 – Issues and Opportunities – The RWTF will directly support the issues identified for economic growth, land use, housing, infrastructure, etc.
- Ch 3, page 39 – Goals and Objectives – From a review by the State Historic Preservation Office and the Chatham County Historical Association, a grave site survey was completed. As a result, the developer will be allowing a 96-foot buffer between the Ellis cemetery and the WTF and a 30-foot buffer between the single “AB” grave and the WTF.

The RWTF will support the County’s on-going growth pattern by helping to provide water infrastructure for new development.

To help conserve natural resources, impacts to streams and wetlands will be avoided as much as possible. A natural vegetative buffer is proposed leaving approximately 56 acres of natural forested vegetation remaining.

- Ch 4, page 51 – Strategies – Economic Development – providing clean drinking water to support growth expectations and providing employment opportunities.

Conservation of natural resources by implementing a site design that avoids streams and wetlands as much as practicable and leaving approximately 56 acres in a natural, forested state. Preservation of open space and protection of historical features will be implemented.

Construction is to take approximately three (3) years. During this time, construction traffic will include about 100-150 construction staff with traffic to support concrete and construction material deliveries and hauling of excess fill material. A transmission pipeline will be constructed along Seaforth Road to convey the drinking water to the service areas. A 100-foot perimeter buffer is planned for the site.

Lighting will be installed to mitigate lighting impacts to nearby residences and wildlife. House-side shields will be provided on luminaries where glare or light trespass could occur.

No detectable odors are expected offsite, and no biochemical or radioactive hazards will be associated with the facility. A list of proposed chemicals used for drinking water facilities included in the applicant’s documents. Residual (waste) from the treatment process will be stored, dewatered, and handled on site at the residuals storage and treatment facilities to be located on the south side of the site. This process will be permitted via an NPDES permit from NCDEQ. The site is located within the Raleigh Regional Response Team area for hazardous materials emergency response.

Five proposed stormwater control measures are to be installed to control the removal of any pollutants from stormwater runoff before the water reaches streams and other surface water.

In response questions about the potential for affecting property values, this project is not expected to reduce property values. The applicants presented information showing RWTF near heavy residential areas in Cary, Durham, and two Raleigh facilities. No reduction in land values has been shown.

4. **The requested amendment is either essential or desirable for the public convenience or welfare.** The water for the RWTF will be provided by Jordan Lake. No County water will be utilized. A domestic septic system will be installed for the facility permitted by the Chatham County Environmental Health Division of the Health Department. An NPDES permit will be needed from NCDEQ for discharge of the process wastewater from the filter backwash and sedimentation basin drains.

Four driveways are proposed, two on Seaforth and two on N Pea Ridge with final approval by NCDOT.

The NC Division of Air Quality will also permit and monitor the site.

5. **All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.** The parcels are located within the WSIV-Protected Area and the WSIV-Critical Area watersheds in the Jordan Lake Buffer area. The WSIV-PA allows up to 36% without curb and gutter that can be developed in impervious surface. Any impervious area within the WSIV-CA district is limited to no more than 24%. This development is projecting for Phase 1, 7% BUA in the WSIV-PA area and 18% BUA in the WSIV-CA area.

Ms. Plummer stated in closing the Planning Board has up to three meetings in which to make a recommendation of approval or denial to the Board of Commissioners.

Should you recommend approval, a consistency statement is provided below for consideration.

- The proposed rezoning for the purpose of constructing a Regional Water Treatment Facility is consistent with Plan Chatham to support current and expected growth not only for Chatham County but with the partnering local governments. This will provide clean drinking water to aid in the support of fostering public health and provide infrastructure to meet water demands.

The following conditions are also provided for consideration if the recommendation is for approval of the rezoning.

#### **Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes and as shown on the site plan. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.

#### **Standard Site Conditions**

2. 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.
3. All required local, state, or federal permits (i.e., NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

#### **Standard Administrative Conditions:**

4. Fees - Applicant and/or landowner 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, and building inspections.
5. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
6. Non-Severability – If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
7. 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 permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

- Mr. Jeff Adkins with HDR Partnerships thanked the Planning Board for this opportunity to introduce the Wester Intake Partnership to them and stated the partnership is Chatham County, City of Durham, Town of Pittsboro, and OWASA. OWASA purchased this property in 1989 with the purpose of this treatment facility to be needed in the future. The purpose of this project is to construct a new surface water treatment facility to meet long-term water supply needs for future growth with the benefits of public health and fire protection. Mr. Adkins provided a presentation for the board and displayed it on the screen where he showed the site plan. Mr. Adkins also showed an illustration showing how the untreated water from Jordan Lake will be piped to the treatment facility. This project directly supports Plan Chatham elements of utilities and public services described in Chapter 4. Also, the figure 29 of Plan Chatham depicts the location for this future facility near Jordan Lake. The facility will have an intake structure pipeline and pump station of untreated water from the lake to the treatment facility. This facility will have a 20 million gallon a day capacity but can be expanded in the future as the need grows. We are currently in the preliminary planning phase and plan on being operational in 2031. Durham and Chatham will have capacity shares in the facility, and Pittsboro will be joining later on because they have recently entered a contract with

Sanford. OWASA will receive water only in emergencies, but as we expand future supply to OWASA and Pittsboro is planned. Mr. Adkins introduced another team member by the name of Mr. Bill Dowbiggin, and he will be finishing the presentation.

- Mr. Dowbiggin stated this facility will have about 10 to 20 employees with little traffic. This will be a secure facility with fencing and gates with cameras to keep watch of access control. There will be a building for the employees to house their offices and maintenance monitoring. Mr. said there are two intake tanks of untreated water that will be screened by trees and will not be seen and then the water will go through the treatment process and stored in two treated water tanks. The only chemicals that will be on-site are to make untreated water into drinking water, so they are not hazardous. The hazard, toxicity, safety, signage, fire prevention, and spill control are all highly regulated and controlled because this is a 24-7 staffed facility, it will always be watched. Mr. Dowbiggin shed an aerial view of the project and said it is heavily wooded and will stay that way except for where the buildings and tanks will be located. He also showed the landscape plan and how it will supplement the existing vegetation. Mr. Dowbiggin also showed an illustration of the administration building and how the architecture of the building is aesthetic to the surrounding nature.

#### Public Input:

- Mr. Keith McAdoo said he lives in the Seaforth Landing community and wanted to bring forth some facts as the board considers to recommend approval or not on this rezoning. August 1, 2023 the Town of Pittsboro and the City of Sanford entered into a perpetual agreement (99 years) to merge water and wastewater systems. Pittsboro water issues are solved. Chatham County's water sales have been flat, and actually declined \$2.6 million in fiscal year 2023. Rezoning to Industrial Light would be unprecedented. County zoning with proximity to Jordan Lake is largely R1 to R5 zones. Chatham County zoning approval trends for the area have been subdivisional and residential development projects like Firefly Overlook, Seaforth Landing, Seaforth Preserve, The Legacy at Jordan Lake, and Seaforth High School. Nothing about past approvals aligns with Light Industrial zoning. We have had two power outages already in January of 2024 with inconsistent power and infrastructure in the area. There are better alternative locations to put a water treatment facility and placing it in this area just does not make logistical sense.
- Ms. Lori Schrier asked if any thought had been given to a bio-incinerator for the solid waste, I had heard it is smokeless and odorless. Mr. Dowbiggin said this facility is just for drinking water and there will not be any solid waste at this treatment plant. There will not be any residuals that will combust at this treatment facility.

#### Board Members:

- Ms. Roodkowsky said this land was purchased in 1989, but only just now they are moving ahead with it, I am wondering what population do you see this ultimately supporting and when would it be insufficient? Is there capacity for expansion that you are already thinking of and how do you see projections over the next 30 to 50 years for this site? Mr. Adkins stated as far as growth, the Triangle region is expected to grow by about 1 million people in the next 30 years. The treatment plant as we initially construct it with 20 million gallons a day would potentially be able to serve several hundred thousand, depending on the commercial demand. The plant can be expanded with as much as 80 million gallons a day which would be four times the capacity as of now. The growth projection we have for the region would not require that amount within the next 50 years. Ms. Roodkowsky asked if the expansion could be accommodated within the footprint, we are seeing on the screen now? Mr. Adkins said yes, for the partners that exist and the other that have allocations in Jordan Lake.
- Mr. Mayer asked if the partnership is a private for-profit entity? Mr. Adkins said no, it is Chatham County, City of Durham, Orange Water and Sewer Authority, and Town of Pittsboro. Mr. Mayer asked if there will be any property taxes received on these parcels. Mr. Sullivan stated no, there will not be any property tax.
- Chair Spoon said within the application it says there are 56 acres that will be in their natural forested state, would you be willing to make that a condition so they will always stay wooded? Ms. Kelly Boone stated that is primarily the buffer around the site and the buffers on the streams, and we will be happy to make that a condition.



Motion made by Ms. Roodkowsky to approve this rezoning with the added condition to keep the 56 acres of wooded area to be left undisturbed. Seconded by Vice-Chair Frazier.

Board Discussion:

- Mr. Andrews stated he is going to abstain from this vote.
- Ms. Colbert stated she had read the objections the residents submitted and did hear the public input from the community tonight. I did look back at the history of the land going back to 1989 when the title was acquired, and this has been in process for a long time. What we have here is properties that have been held by these utilities for close to 35 years and there has been a lot of growth in the surrounding areas since that time. What we should be considering as we move forward with these new developments, to have some kind of requirement to inform the home buyers that there will be a water treatment facility near them. It is understandably within reason that these people are upset because they bought into communities that are going to be next to a treatment facility and much of the concerns of the community might be avoided if we had stronger disclosure laws or stronger mechanism to make sure people knew what they were getting into. Unfortunately, this does not help now, and I do plan to support this rezoning, but I want the public to know I do understand where you are coming from, but for long-term growth this is something we absolutely have to do, and I am sorry for those that were not aware that this was coming.

There was a vote for the rezoning item, and it was approved 7-0, Mr. Andrews abstained.

Motion made by Mr. Mayer to approve the consistency statement, "The proposed rezoning for the purpose of constructing a Regional Water Treatment Facility is consistent with Plan Chatham to support current and expected growth not only for Chatham County but with the partnering local governments. This will provide clean drinking water to aid in the support of fostering public health and provide infrastructure to meet water demands." Seconded by Ms. Roodkowsky. There was a vote, and the consistency statement was approved 7-0, Mr. Andrews abstained.

X. NEW BUSINESS:

- Chair Spoon welcomed our new Planning Board member Mr. Nelson Smith.

XI. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Chair Spoon stated the UDO subcommittee met and discussed two chapters, Infrastructure and Public Improvements and Watershed Protection. We added two new ex-officio members as well. We need to discuss when we will have more material to review.

2. Discuss and decide the March Planning Board meeting location.

The Board discussed and agreed the March meeting will be held in person at the Agriculture and Conference Center.

3. Discuss the February 20, 2024 Planning Board special meeting.

- Chair Spoon said the meeting will be held on February 20<sup>th</sup> at 6:30pm in the same location as our normal meetings. It will be a public meeting and we will hold our board elections. If required, we can go into a closed session towards the end with our attorney client privilege.

XII. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivisions / Exempt Maps - See Attachments.
  2. Unified Development Ordinance Update.  
The UDO draft has been moving forward and there will be more to review soon.
  3. February public hearing items.
    - o Holmes Oil – Top Chord Way and King Rd asphalt plant.
- Ms. Roodkowsky asked Mr. Sullivan if he could elaborate about a waiver request involving a proposed carwash. Mr. Sullivan stated there is a waiver request for a carwash to be able to use a septic system instead of the Old North State wastewater treatment system in Briar Chapel. This waiver request is only reviewed by the BOC, and they make the decision whether or not it is approved. That item will be on the February 19<sup>th</sup> BOC agenda, and they will make the motion to either approve it or deny it. Ms. Roodkowsky asked if it will come to the Planning Board. Mr. Sullivan stated it will not. Mr. Sullivan said the issue with this particular waiver request is Old North State is not permitted to accept wastewater from a carwash and in order to modify their permit it will cost a lot of money, so they opted not to serve that particular use. Ms. Roodkowsky stated they want to use the buffer between Briar Chapel area and Fearington Road. Mr. Sullivan said that is correct. Ms. Roodkowsky asked why it does not come to the Planning Board. Mr. Sullivan stated it is the way the waiver request is set up initially.

XIII. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:28 p.m.

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

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