

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**OCTOBER 20, 2008**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on February 18, 2007.

Present: Chairman George Lucier; Vice Chair, Mike Cross; Commissioners Patrick Barnes, Carl Thompson, and Tom Vanderbeck; Assistant County Manager, Renee Paschal; County Attorney, Jep Rose; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Thompson delivered the invocation after which Chairman Lucier invited everyone present to stand and recite the Pledge of Allegiance.

**CALL TO ORDER**

The meeting was called to order by the Chairman at 6:04 PM.

**AGENDA AND CONSENT AGENDA**

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to approve the Agenda and the Consent Agenda as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held October 06, 2008 and work session held October 06, 2008

The motion carried five (5) to zero (0).

2. **Tax Releases and Refunds:** Consideration of a request to approve tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

3. **Human Relations Bylaws:** Consideration of a request to approve the Chatham County Human Relations Bylaws with changes, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

4. **Chatham County’s Work First Plan:** Consideration of a request to approve Chatham County’s Work First Plan, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

5. **Exemption of General Statute 13-64.31:** Consideration of a request to approve a request to exempt the County from NC General Statute 143-64.31 so that the County may ask for pricing at the same time as considering qualifications for the Northeast Park

The motion carried five (5) to zero (0).

6. **Small Capital Grant Approval:** Consideration of a request to apply for Small Capital Grant in the amount of \$18,516, grant application attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

7. **Chatham Habitat for Humanity: Declaration #2008-58 of Affordable Housing Covenants, Conditions, and Restrictions for Chatham Oak Subdivision,** attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Dave Klarmann**, 380 Hatley Road, Pittsboro, NC, stated that he has lived here for the past 21 years; that he currently works at Landco Realty and manages Blue Heel Territories, LLC which specialized in land development in Chatham County; and that he is also a member of the Chatham County Planning Board. He stated that recently, the Board of Commissioners purchased the building at 964 East Street, Pittsboro, which consists of 33,153 square feet on 3.69 acres; that the stated purpose of this acquisition was to provide office space for the County, thereby consolidating and centralizing disjointed departments currently housed in scattered rented buildings; that he is in favor of ownership of buildings for the County when the acquisition is prudent and cost effective; that in most cases, it is better to own rather than lease, provided the initial costs and future upfits (elevators and technology) do not impose a burden on the taxpayers now and in the future; that having studied the appraisal report submitted on this purchase, he believes there are serious flaws within the report; that numerous comparatives are made to properties purchased in Pittsboro and Asheboro from the years 2004-2006; that according to commercial lenders at local banks, these have no merit today; that there is an inflated value given to the acreage value based on sales of .5 acres up to 19 acres dating from 2005-2007; that if ½ acres of land sells for \$500,000, it does not follow that one acre will be one million dollars; that with volume of purchase, the price per acre will decrease; that someone needs to explain why the property purchase in January 2005 for \$2,400,000 and, according to the report had a \$400,000 remodeling job, is now valued at \$1,720,160 for tax purposes. He asked if it was the norm for improved commercial property to sell at double its tax value within a four-year period during a downward economic cycle and if 3.4 million dollars was such a bargain price. He stated that he would like to know if the Commissioners had anyone representing them in this and other transactions; that the seller had an agent working on his behalf; that he wonders should the public not also have an agency providing expertise for such an enormous outlay of funds; that negotiations of this magnitude should require the Commissioners to employ professionals; that unless the bank that currently holds the note on this structure will be the lender for the County, he feels the financing for this venture may require a large deposit and difficult terms; that he would recommend that the Commissioners look at these acquisitions with this question in mind, stating that if it was his money, would he pay this price. He thanked the Board for allowing him the opportunity to present his concerns.

Chairman Lucier stated that the Board had a professional appraisal done of the property which was appraised at \$3.7 million; that it was purchased for \$3.4 million; that the savings that the County will have in rental space plus the rental income from the establishments already there will provide between \$350-400,000 per year which means that in approximately nine years, the building will be paid for and be free and clear; that if a loan is secured, the County will basically be getting a building for free at the end of nine to ten years; that in addition, this has allowed the Board to delay construction of a judicial building which is important because of the current financial credit market; that it can be delayed two years which will prove a considerable savings to the County during that time span; that this simply was too good a deal to pass up; that he feels it was an excellent deal to the County and he believes that the numbers support it.

**Elaine Chiosso**, 1076 Rock Rest Road, Pittsboro, NC, thanked the Board of Commissioners on their part of the very successful volunteer Jordan Lake trash collection on

Saturday, October 18, 2008. She stated that there were approximately 70 volunteers that spent five hours picking up 3,500 bags of trash - about 14 tons - from a cove on the eastern side of the Haw River arm of Jordan lake, across from the confluence with Robeson Creek; that a team of volunteers with power boats ferried passengers from the Robeson Creek boat docks (all with life jackets) across to the cove, and brought back the amazing amount of trash; that other volunteers were at the docks to unload the trash bags into trucks and then into a huge dumpster and dump truck provided by the county; that at the end of the afternoon the cove was amazingly clean looking - except for the many tires that will have to be removed in a separate effort; that unfortunately, there are still many more of these coves filled with trash that has been coming down the Haw River since the lake was built, about 26 years ago - from as far away as Greensboro and Burlington; that the biggest thanks for the day goes to Tom Colson, who was the lead organizer for the effort, and for help from Chatham County staff, particularly Bob Holden, Director of the Department of Solid Waste and Fred Royal, Environmental Resources Director; that thanks to Chatham County for providing portable latrines as well for the volunteers; that NC State park staff from Jordan Lake are also thanked for their participation and for providing a boat --as well as another dump truck to accommodate this huge amount of trash; that the Big Sweep was an official sponsor for the day and provided gloves and bags. She stated that the Haw River Assembly has been doing clean-ups along the Haw River and Jordan Lake for almost twenty years, and they hope to continue this current partnership with Tom Colson, Chatham County and state and federal agencies to complete the job of removing this terrible amount of trash that is fouling the lake.

Ms. Chiosso presented the Board a copy of the *N&O Newspaper* article published in the Sunday paper.

Chairman Lucier thanked Ms. Chiosso for her efforts in the Jordan Lake organization and clean-up activity.

### **BOARD OF COMMISSIONERS' MATTERS**

#### ***Public Hearing:***

**Rural Operating Assistance Program:** Public hearing to receive public comments on the allocation of Rural Operating Assistance Program (ROAP) funds

Chairman Lucier explained that the North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) has combined their three operating assistance programs into one application process; that these three programs are Rural General Public (RGP), Elderly and Disabled Transportation Assistance Program (EDTAP), and the Work First Transitional/Employment Transportation Assistance Program; that EDTAP funds are used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds; that the Work First Transitional/Employment Transportation Assistance program supports general employment transportation needs and transitional transportation needs of Work First participants after eligibility for cash assistance has concluded; that the Rural General Public funds must be used in a manner consistent with the local General Public Service Plan already approved and on file with NCDOT/PTD. He stated that the Board of Commissioners held a public hearing on July 21, 2008 to receive input on the allocation of the 2008 ROAP funds; that due to an error in the timing of the public notice, another public hearing needs to be held; that adequate notice was given for this hearing.

Chairman Lucier stated that after the hearing, it is requested that the Commissioners approve the recommendations from the Chatham Transit Network board regarding ROAP funds as follows:

Chatham County Council on Aging	\$59,800
Chatham County Group Homes, Inc.	\$4,000
Chatham Transit Network	\$16,903
Total	\$80,703

The allocation to Chatham Transit Network will be used in the following manner:

READD Center	\$1,000
Chatham Trades, Inc.	\$4,403
CCCC	\$2,500
Chatham County Together	\$5,000
Chatham County DSS	\$2,000
Club Insight	\$1,000
Freedom House	\$1,000
Total	\$16,903

Commissioner Thompson asked Scott Ford about the procedure identifying the particular groups to which funds are granted, specifically the \$16,000 granted the Chatham Transit Network.

Mr. Ford stated that Chatham Transit Network, in the past, has worked with the human services community to develop leads for EDTAP; that currently, the Chatham Transit Network Board of Directors is looking into the current model for the distribution of funds; that beginning with the next EDTAP, Chatham Transit Network will be expanding outreach further into the community; and that they will also start the process much earlier in the year than in previous EDTAPs.

Commissioner Vanderbeck stated that in addition to Mr. Ford's comments, they are looking at the process to improve it and to make sure that notice is given in a more timely manner to all involved and to have a better set a streamlined review policy in place for next year's applications.

Commissioner Barnes moved, seconded by Commissioner Thompson to approve the recommendations from Chatham Transit Network Board regarding ROAP funds. The motion carried five (5) to zero (0).

### **PLANNING AND ZONING**

**Preliminary Plat Extension for Cedar Mountain Subdivision:** Consideration of a request by Charles Lewis, Vice President, Lewis Metty Development, LLC for a one (1) year extension of preliminary plat expiration for Cedar Mountain Subdivision from January 16, 2009 to January 16, 2010

The Planning Director explained the specifics of the request.

Sally Kost, Planning Board Chair, stated that Mr. Megginson had summarized the work of the Planning Board and that the one opposing vote, questioned whether this was because of rock or because of economic conditions.

As per the Planning Department and Planning Board recommendation (by a vote of 9 for and 1 against), Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to grant a one-year extension of preliminary plat expiration to change the expiration date from January 16, 2009 to January 16, 2010 due to unforeseen circumstances of rock in the roadway. The motion carried five (5) to zero (0).

**Preliminary Plat Approval of "The Parks at Meadowview, Phase 2":** Consideration of a request by The Parks at Meadowview, LLC for subdivision preliminary plat approval of "The Parks at Meadowview, Phase 2", consisting of 182 lots on 173 acres, located off Old Graham Road, SR #1520, Center Township

The Planning Director explained the specifics of the request.

Commissioner Vanderbeck stated that in the abstract, it states that the 61 lots were supposed to be sold to a separate developer which didn't happen; that would have been in

final plat which means it would have been recorded and the County would have been receiving fees; and that he is asking if that is how it normally works once it gets to final plat.

The Planning Director responded that they are recreation fees at that time.

Commissioner Vanderbeck stated that they weren't sold and asked if it goes back to the current phase and preliminary and asked if it now gets extra time on it. The Planning Director responded, yes.

Nick Robinson, attorney, stated that responding to Commissioner Vanderbeck's question, the plat was brought through the preliminary and final phase of the development schedule because of the proposed sale to the other builder; that when the other builder left and walked away from the sale, it put them back into the schedule that is underneath the development schedule that they had; that they are not bringing it any later than they could have; that it is just due to circumstances.

Commissioner Vanderbeck thanked Mr. Robinson for the clarification.

Chairman Lucier stated that the abstract referred to 50' stream buffers, which were at that time, a requirement. He asked if all streams on the preliminary plat buffered with 100' buffers.

The Planning Director stated that they exceeded them on many of the areas, but that he doesn't know if all of them had 100' buffers.

Chairman Lucier asked where they would be on the map. The Planning Director stated that approximately 60% of the development is open space. He showed the area on the map.

Mr. Robinson stated that his recollection is that even though it was not required at any stage of the plats, for it to be beyond 50' that was required at the time of the sketch design approval, in most cases it does exceed that; and that he thinks in every case it is 100' or more.

Mark Ashness stated that when the plan was prepared, the watershed buffers were specifically related to the USGS map (blue lines); that on that particular location, it was not a blue line but they noticed it was a significant draw, so they put a buffer on it; that he can't say that it is exactly 100' bank to bank, but it was an example of a wet-weather draw that wouldn't have been buffered under the Board's rules at the time it was approved; and that they just thought it was a good idea to buffer them.

Chairman Lucier stated that it appeared to be a mix of wet lands and streams. He asked on the original sketch design approval, there was a #3 related to detail stormwater plan conditions. He stated that the plans were submitted to the County in April 2007; that the plans were forwarded to the Public Works Director and it wasn't clear what happened; that it said the County does not enforce stormwater regulations but relies on the consulting engineer's certification of the plans. He asked if these were not reviewed by the County.

Keith Megginson stated that they sent them to the Public Works Department; that since that time there is no specific requirements of what has to be in there; that they are typically designed to the two-year/24 hour storm or catching the first inch of rain fall; and that he doesn't know whether public works will verify it or not.

Chairman Lucier stated that Item #4 of the original approval refers to the Environmental Monitoring Reports. He asked if they were levels of contaminants X, Y, and Z in the stormwater ponds.

The Planning Director stated that this particular development is tied into wastewater system, Aqua North Carolina in Chapel Ridge; that they will have spray irrigation from that plant onto portions of this property; that it is those reports that were considered.

Chairman Lucier asked where the samples were taken. The Planning Director stated that that was determined by the State.

Commissioner Barnes asked how many lots were going to be in this subdivision when it is finished.

Mr. Megginson replied that it was originally approved for 700, but they reduced it to 600 total.

Commissioner Barnes asked if they were going to add another 600 homes to the already 12,000+ that haven't been built.

Mr. Megginson asked if he was referring to the already 12,000 that had been approved. He stated that he didn't know if he had anything on the total number of lots. He responded that there were 715 total, 230 that have final approval, and 485 remain.

Chairman Lucier asked if that was separate from Chapel Ridge. Mr. Megginson responded yes.

Mr. Robinson responded that Chapel Ridge was exactly 700, that it was then reduced to the 500 range, but then added the Harris tract to it; that that added more lots and he believes that there are 638 lots.

Chairman Lucier asked if there were between 1,300-1,400 total for the two that share the same wastewater plant and then the treated wastewater was then sprayed on the golf course. Mr. Robinson responded that was correct. Chairman Lucier asked if there were monitoring reports that had been submitted for Chapel Ridge.

Mr. Robinson stated that he didn't know if there is any, at least with this subdivision, although there wouldn't be any need for any reports, but if the State requires them, they would be submitted.

Chairman Lucier asked if it wouldn't be prudent to know what the baseline is before the new development came online. He stated that it seems like those reports, based on this condition, should have been submitted to the County on Chapel Ridge; that the Parks of Meadowview are going to add to that; that when you need to know the impact something is having, particularly with the development, you have to know what the baseline is; that without existing monitoring reports for Chapel Ridge, it is impossible to make that determination.

Mr. Robinson stated that the language for the original condition was that whatever monitoring reports are required, copies would be provided to the County; and that there were no questions about the reports being required by the State which is the governing authority on it. Chairman Lucier asked if anyone knew if there were monitoring reports on Chapel Ridge regarding where the samples were taken and what was found in them.

Elaine Chiosso, Environmental Review Board Chair, explained that at their recent meeting, they discussed the need to look at State monitoring reports for all developments that are underway; that there are different reports required for developments depending on the stream permits they have and for on site wastewater monitoring; that a lot of this is self monitoring with reports that go to the State; that they know that the conditions for the permits are not always being implemented; that reports have not always been filed with the State agencies on time; and that the State is not always monitoring these permits and reports due to a backlog of work. She said that the Environmental Review Board is hoping to take a closer look at some of these reports.

Chairman Lucier asked if they were on file at the Health Department. He stated that he would really like to see those reports, know whether they exist, and know where the samples were taken from and how frequently. He stated that he would prefer to table this item until he saw the reports.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to table this item until the November 03, 2008 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

**Preliminary Plat Approval of “The Retreat on Haw River, Phase 2”:** Consideration of a request by The Retreat on Haw River, LLC on behalf of Polk-Sullivan LLC and Chatham Partners, LLC for subdivision preliminary approval of "The Retreat on Haw River, Phase 2, (f/k/a Williams Pond and Sanctuary at Haw River), consisting of 63 lots on 272.62 acres, located off SR #1711, Bynum Ridge Road, Baldwin Township

The Planning Director explained the specifics of the request.

Ms. Kost stated that one of the concerns of the Planning Board was the length of the cul-de-sac coming from the main entrance; that the Planning Board was worried about connectivity there to other parcels; that the other concern, that Mr. Robinson assured them would be taken care of, and the homeowners covenants, is the 100' of undisturbed buffer along the river and how they will determine that it does indeed remain undisturbed. She stated that with that, they did recommend unanimously the approval of preliminary plat.

Commissioner Barnes stated that he is disappointed in this being approved by the Planning Board; that he is disappointed and surprised at this being approved by the Planning Board Chairman; that this takes him back four years to when he first came on the Board; that everybody in Chatham County was up-in-arms and the Chair led the fire-breathing dragons because he was one of them; that he asked why they were continuing to place developments on the Haw River and Jordan Lake; that they have fought it before he came on the Board and they are still fighting it; that they are still approving it; that the first two years he was on the Board, he voted against every single subdivision being built that drained into Jordan Lake; that he doesn't see any reason to change his vote tonight; that this is the same problem where everybody fusses about polluting Jordan Lake but nobody will step up and do anything about it; that when he said that he was disappointed in the Planning Board and their Chair, he thinks it is an understatement.

Dave Klarmann asked what they were supposed to do. Commissioner Barnes responded that he didn't know and continued by saying that he would not vote for something that most everyone on the Planning Board had fought against in the past and then it's approved and brought up to be approved and then keep right on going.

Ms. Kost stated that they spent the last eighteen months working on provisions to the Subdivisions Regulations; that there were over 23 meetings at which they met to make those changes; that legally, if they could have turned them down, they would have; that it was granted sketch design by a former Board of Commissioners and their job as a Planning Board was to try to make sure that it did meet the intent of the law; that the law has been met; that if they had turned this down...or if the current Board turns this down, she believes that the attorney would advise them that they had no cause to turn it down.

Commissioner Barnes stated that that didn't mean that he was going to condone it. Ms. Kost responded that she felt that she personally needed to clarify it since Commissioner Barnes was disappointed in them.

Mr. Klarmann stated that there is history here; that this is RA-5 zoned property; that they all cut a deal in which they brought in County water and the trade-off would be RA-5; that the developers would be given smaller lots on the Haw River in exchange for the developer to help bring in County water; that they are then told that this was the only place in the County that this could happen; that Commissioner Barnes might be disappointed, but the Commissioners made the deal; that if they had not been given County water, they could not have done what they wanted to do.

Mr. Robinson stated that it was mostly RA-40 and partially RA-5 by the river; that the net affect of the rezoning to RA-90 was to down-zone it to less density overall; and that he thinks that was a relevant point at that time to the decision-making.

Chairman Lucier asked him if he agreed that the reason for doing that was to allow smaller lots on the river in which more money could be charged for them. Mr. Robinson replied, not smaller lots on the river; that the evidence that came into hearing on that night was that if the topography was looked at the site, the part of the site that is RA-40 that would allow a larger number of lots actually drain more into the Haw River than the lots that are down by the river; that ultimately the net effect of this number of lots was less on the Haw

River; that he doesn't know that everyone would necessarily agree with that, but that was the events of the record at that time and it was definitely not quite that simple.

Chairman Lucier asked for clarification on a document reflecting a visit by Fred Royal to the site. Mr. Robinson confirmed that the map provided was that information. Chairman Lucier stated that there were 100' buffers along Pokeberry Creek, and within ½ mile of the Haw River; that when you get more than 2,500 feet from the river it shifts from 100' to 50' of buffer; that the observed place is where the creek runs along someone else's property, thereby reducing the requirement in the development to 50'. Chairman Lucier questioned if the ephemeral and wet-weather streams were on the map provided.

Chairman Lucier questioned if Fred Royal had visited the site, and Mr. Megginson clarified that it was a discussion by the Planning Board about Mr. Royal visiting the site, not that he had already. Mr. Robinson stated that all the work that went into designing the lots, roadways and crossings all relate to the stream designations.

Mr. Royal stated that he had not visited the site. He stated that if he had visited, he would identify streams as designated by the ordinance.

Elaine Chiosso stated that her understanding was that a condition of this approval was that the developer was required to sell the corridor right along the river to the State Parks Division; that this is a very popular site and the state would like to build a trail; that she thought it was a condition of approval.

Chairman Lucier stated that Condition 7 states that the developer shall donate to the State of North Carolina the area along the existing upper trail along the Haw River where it is located on the developer's property; that it is a distance of a minimum of 20' along the lanyard side of Lots 10-21 and Lots 135 and 136. He further stated that a letter dated September 29<sup>th</sup> stated the lot numbers had been changed and the donation had been made at or before the time of recordation of the Phase II final plat.

Mr. Robinson stated that it was not a condition to sell it to the state but that they donate it; that it will happen when they are sure the lots have been properly platted.

Commissioner Vanderbeck stated that in general he is not really pleased with this but a lot of it came before him and the present Board; and that he doesn't even really care to vote on it.

Commissioner Thompson stated that if they deem it important for Mr. Royal to visit the site, that they may want to table this for tonight.

Commissioner Thompson moved, seconded by Commissioner Barnes, to table this item until Fred Royal has an opportunity to visit the site. The motion carried five (5) to zero (0).

**Preliminary Plat Approval of "Henderson Place":** Consideration of a request by Sears Design Group, P. A. on behalf of Wade Barber, Jr. for subdivision preliminary plat approval of "Henderson Place" (fka Barber Lands), consisting of 45 lots on 60 acres, located off South Langdon, SR #1835, Williams Township

The Planning Director explained the specifics of the request.

Chairman Lucier stated that it looks as if the Environmental Review Board had reviewed this and made a number of recommendations, many of which the developer used to modify the site plan and some they did not. He further stated that he was pleased to see the impact the environmental assessment had on approving the site design; that it looks like a few lots were cut from the original plan; that the amount of impervious surface was decreased; that there is more open space and the roads appear to be realigned to avoid some steep slopes; and there seems to be significant buffers between this property and adjacent properties.

Chairman Lucier asked the developer about a letter from the NC Wildlife Resources Commission asking the developer to consider the recommendations not taken by the Environmental Review Board.



Wade Barber, representing the developer, stated that they did take the recommendations into consideration, with some in this plan and some that go to things to do with erosion control along roadways such as not using fescue, which may be invasive.

Chairman Lucier asked about the grading on steep slopes 15% or greater.

Wade Barber stated that a road in the southeastern part of the development that was relocated from the sketch design to the preliminary design to address that concern. Mr. Barber further stated that they were one of the first to volunteer for the environmental review process and that it helped them focus on a lot of things. He stated that he thought the process worked well for everyone, and that under the regulations they would have been required to have only several hundred feet of 50' stream setbacks, but that they kept stream buffers and natural areas and that 27% of the property is protected.

Chairman Lucier thanked Mr. Barber, and stated that he would like his feedback on how that process could be improved.

As per the Planning Department and Planning Board recommendation (by unanimous vote), Commissioner Vanderbeck moved, seconded by Commissioner Cross, to grant approval of the road name "Henderson Place" and grant preliminary plat approval with the following conditions:

1. Prior to any land disturbing activity, the Chatham County Historical Association, be allowed to visit the site to document any evidence of historical nature.
2. The developer shall consult with NCDOT to determine the width and length of "public drainage easement" requested by NCDOT and label the balance of the drainage easement "private".

The motion carried five (5) to zero (0).

**Request for Text Amendment to Chatham County Watershed Ordinance:** Consideration of a request from Richard Weston-Jones for a text amendment to the Chatham County Watershed Ordinance, Attachment A, Permitted Uses, to add "Owner-occupied bed and breakfast homes with no more than two (2) rooms/units for rent to stays no longer than seven (7) consecutive days and located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard setbacks as set in the district in which they are located."

As per the Planning Department and Planning Board recommendation (by unanimous vote), Commissioner Thompson moved, seconded by Commissioner Barnes, to moved to approve the text amendment as follows:

Added language for the Chatham County Watershed Ordinance:

Attachment A, Permitted Uses, add "Owner-occupied bed and breakfast homes with no more than two (2) rooms/units for rent to stays no longer than seven (7) consecutive days and located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard setbacks as set in the district in which they are located.

The motion carried five (5) to zero (0).

**Request for Text Amendment to Chatham County Watershed Ordinance:** Consideration of a request from Fernando & Meredith B. Cardenas for a text amendment to the Chatham County Watershed Ordinance, Attachment A, Permitted Uses, to add "Horse Veterinary Clinics on tracts of land greater than ten (10) acres"

As per the Planning Department and Planning Board recommendation (by unanimous vote), Commissioner Barnes moved, seconded by Commissioner Thompson, to approve the text amendment addition to "Attachment A" as follows:

Attachment A List of Permitted Uses to include:

“Veterinary clinics and hospitals on parcels of land of at least 10 acres and where the use of x-ray equipment is limited to that of “digital” systems”.

The motion carried five (5) to zero (0).

**Request to Rezone Acreage:** Consideration of a request from Irene Faircloth Gattis and Joseph Mosnier dba Historic Mann’s Chapel Event Center & Café to rezone approximately 4.545 acres, Parcel #62230 (1.4 acres) and Parcel #62254 (3 acres out of 6.61), Baldwin Township, located off Poythress Road and Lamont Norwood Road, from O&I (office and institutional) and RA-90 (residential/agricultural) to Conditional Use B-1 Business district

The Planning Director explained the specifics of the request.

Sally Kost, Planning Board Chair, stated that most of the discussion related to this project dealt with the location of the curbs and the concerns that the Planning Board had with traffic; that on the site plan on the lower entrance it was right-in, right-out; that the DOT is working closely to see that those safety concerns are addressed. She stated that she had a chance to drive out there, and that she felt with the way the site plan is, it will be okay.

Commissioner Vanderbeck that they are cautionary signs to drop your speed on roads such as this but that many people do not.

Sally Kost stated that the other comment they heard was in regard to the location of the dumpster close to the northern entrance of the site; that they were satisfied that it was an adequate distance from the existing residential units.

Commissioner Vanderbeck stated that he felt like this was a sustainable business; that they seem to be employing sustainable practices; and that he is willing to approve it.

As per the Planning Department and Planning Board recommendation (by a vote of 9-1), Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to moved to approve the rezoning request to conditional use business district based on the information provided and adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**.

Commissioner Thompson stated that he is in agreement that it is positive; that as a pastor, seeing a church with partying inside is a little different, but that it has been decommissioned and desanctified; that he is impressed with the fact that they will build in green initiatives and to LEED standards and employ up to 25 people; and that this is something he could go along with.

Chairman Lucier called the question. The motion carried five (5) to zero (0). The Ordinance is attached hereto and by reference made a part hereof.

**Request for Conditional Use Permit:** Consideration of a request from Irene Faircloth Gattis and Joseph Mosnier dba Historic Mann’s Chapel Event Center & Café for a Conditional Use Permit on approximately 4.545 acres, Parcel #62230 (1.4 acres) and Parcel #62254 (3 acres out of 6.61), Baldwin Township, located off Poythress Road and Lamont Norwood Road, for an eating and drinking establishment, a catering establishment, retail associated with the same, and for uses and structures customarily ancillary to such uses (including events and receptions)

The Planning Director explained the specifics of the request.

Commissioner Barnes moved, seconded by Commissioner Cross, to adopt **Resolution #2008-59 Approving an Application for a Conditional Use Permit Request by Irene Gattis and Joseph Mosnier dba Historic Mann’s Chapel Event Center and Café**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Request for Revision to Existing Conditional Use Permit:** Consideration of a request from Carolina Meadows, Inc. for a revision to the existing Conditional Use Permit, Parcel #62114, 64734, 20033, 74450, located off Whipoorwill Lane, Williams Township, to

develop the residual land within the existing boundaries to add 35 duplex villas and relocate the maintenance facility, reconstruct a new health care facility, and various other changes to existing structures and parking areas

The Planning Director explained the specifics of the request.

Commissioner Barnes moved, seconded by Commissioner Thompson, to adopt **Resolution #2008-60 Approving an Application for a Revision to a conditional Use Permit Request by Carolina Meadows, Inc.**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **BREAK**

The Chairman called for a short break.

### **PUBLIC HEARINGS:**

Chairman Lucier stated that the next set of public hearings deal with amendments to various ordinances. The Board of Commissioners will have the public hearing tonight, and the Planning Board will revisit this based on citizen comments and their own review of the documents, and it will be revisited at the November 17, 2008 Board of Commissioners meeting. Citizens are encouraged to submit comments in writing at any time, preferably before the Planning Board deliberations.

**Public Hearing Request for Text Amendments to Chatham County Zoning Ordinance:** Public hearing to receive public comments on a request for text amendments to the Chatham County Zoning Ordinance to provide the following new zoning districts: Neighborhood Business, Community Business, Regional Business, and Agricultural. Amendments also include the creation of a Table of Permitted Uses, revisions to Home Occupations that include reductions in accessory building sizes, environmental standards, and landscaping and buffering requirements for all non-residential developments.

Keith Megginson explained the specifics of the amendments to the Chatham County Zoning Ordinance to provide the following new zoning districts: Neighborhood Business, Community Business, Regional Business, and Agricultural. Amendments also include the creation of a Table of Permitted Uses, revisions to Home Occupations that include reductions in accessory building sizes, environmental standards, and landscaping and buffering requirements for all non-residential developments.

**Loyse Hurley**, 16 Matchwood, Pittsboro, NC, stated that on behalf of the entire board of CCEC, she wished to express our appreciation to this Board of Commissioners who understand the need for these ordinance revisions and to the various committees, sub-committees and boards who worked so diligently to prepare them. Ms. Hurley's written comments are as follows:

"Since zoning affects both commercial as well as residential, care must be taken in the future to prevent any inconsistencies with the Major Corridor section of this ordinance, when that becomes available. In particular, Sections 12 and 14 will need to be carefully evaluated so they are consistent with the major commercial corridor portion.

Although the zoned areas of the County are primarily suburban in character, Chatham is still a rural county and there are various agricultural operations within these zoned areas. In general, CCEC is recommending that the Zoning Subcommittee remain active and re-evaluate the agricultural zoning provisions of this ordinance in consultation with our farming community. The definition section could use additional clarification as to the meanings of Agricultural Services and Processing, Avocational Farming, Specialized Horticulture and Commercial Husbandry. The definition of farming should include the raising of various species such as alpacas, donkeys, bees and also include hay production.

In the interest of time tonight, we are attaching our specific comments on the various ordinances. Since many of these comments are technical in nature, we request that they be made part of the public record and ask for the commitment that everyone concerned consider them before acting on the final ordinance."

CCEC's recommendations are as follows:

**Sections 12 and 14** will need to be carefully evaluated in order to become consistent with the major commercial corridor section when that becomes available.

**Page 25** has a boxed notation on **Section 10.1 AG - Agricultural District under B 3**. This should be removed.

There is a notation on **Page 39** on the chart, indicating that legal wording from the attorney is needed. This should be removed before enactment.

**Section 11.3** requires clarification. Specifically, how can a development adversely impact land that is unsuitable for development? ( i.e. how would the development be allowed to get there in the first place, if the land is deemed unsuitable?) Must the BOC have to actively make a finding that the land is unsuitable?

The last paragraph in **Section 11.3** should indicate "... the requirements of all other applicable Chatham County ordinances apply."

**Section 12** under Landscaping and Buffering mentions the "Tree Preservation and Planting Ordinance" in both **Sections 12.1 and 12.5**. This ordinance doesn't appear to currently exist.

**Charlie Bolton**, 970 WR Clark Road, Pittsboro, NC, Agriculture Advisory Committee Chairman, stated that the Agriculture Advisory Committee, at their last meeting, discussed the agricultural district that the Board is proposing to add; that they all agreed on a couple of potential problems; that he has given the Clerk to the Board a copy of their adopted resolution; that the proposed "Agricultural District" be renamed to avoid confusion with the existing Voluntary Agricultural District Program; that the negative effects on the economic sustainability of farm families, most of whom depend on the income from off-farm and part-time jobs, of regulating and restricting "secondary enterprises" be considered; that the proposed limit on secondary enterprises to 5% of individual farm acreage is too small for small farms; that they request that the Board of Commissioners be aware that the Farm Protection Plan process will be in the public meeting stage from January to March 2009; and that simultaneous introduction of proposed County-wide zoning will be extremely controversial in the agricultural community and likely to have a negative impact on participation in the Farm Protection Plan process. The resolution is attached hereto and by reference made a part hereof.

Chairman Lucier thanked Mr. Bolton for his comments. He stated that they need to resolve the issue addressed regarding agriculture districts and the agriculture district programs; that he agrees with him regarding the secondary economic activities of farmers that are so important for them economically and for sustainability; and that they will look at that 5% limit to see if it should be changed.

**Tommy Emerson**, 186 John Emerson Road, Siler City, NC, stated that they did not need to abolish the voluntary agriculture district program; that the language needs to be clarified; that the financial crisis spills over to this issue; that the best way to keep Chatham County green is to keep the farmer on the farm; that this does not need to be too restrictive on supplemental income; that many farmers maintain secondary operations on their farm; and that they do not get too many cooks in the kitchen in this process by having too many committees involved.

Chairman Lucier thanked Mr. Emerson for his comments and agreed that any time you start amending or changing regulations you need to have the wherewithal to enforce them.

**Esta Cohen**, 688 Van Thomas Road, Pittsboro, NC, stated that she is a member of CCEC and a farmer's wife. Ms. Cohen's written comments are as follows:

"I would like the board of Commissioners to recognize that farms are not guests in this community, but rather, are the community into which developments are moving; that farms are not guests in the community; and that Chatham County residents shop regularly at farmer's markets but do not realize where the goods come from.

Section 7.6 article J recommends that development parcels be located where agricultural operations do not interfere with the safety and/or well being of potential future

residents. What if they do....does the development get turned down, or is the farm required to change its operations. I ask because of the sentence, which reads, in part: "to mitigate any potential impacts of noise, vibrations, light, and/or odor on residents". What if the security lights, or any other aspect of a new development negatively impact a farms livestock?

Where using non-public water, meaning wells, for decorative irrigation is discussed, consideration of the impact on agriculture when drawing off the same water source used in raising livestock, poultry and produce is not mentioned. It should be.

Many Chatham County residents make the trek to Carrboro on a regular basis to shop at the farmers markets, without ever realizing that this is where those farmers grow the produce and the livestock that make up their weekly purchases.

I am asking that farms are recognized as an integral part of this county, and that consideration of the impact of developments on their concerns be given. Thank you."

**Sonny Keisler**, 3006 River Forks Road, Sanford, NC, stated that he was in favor of text amendments. Mr. Keisler's written comments are as follows:

"I am speaking in support of the proposed text amendments to the Chatham County Zoning Ordinance. In this regards, I think the inclusion of a table of permitted business uses will lead to an ordinance that is easier to understand and use. I also think that by providing for more small business activities, the ordinance will enable communities to enjoy more commercial conveniences without having to fear encroachment by large business enterprises.

In addition, I support the County's efforts to update (1) subdivision regulations, (2) the watershed protection ordinance, (3) the sedimentation control ordinance and (4) the stormwater ordinance. By updating these regulations and ordinances, Chatham County will be better prepared to deal with the twin challenges of population growth and climate change."

**Tommy Glosson**, 738 Mt. Olive Church Road, Pittsboro, NC, stated that the agriculture industry is really depressed; that he thanked the Commissioners for going on the farm tour; and that he doesn't want regulations that restrict family farms to operate secondary businesses.

Chairman Lucier stated that they appreciated Mr. Glosson's presence on the farm tour and that it made it a lot more informative for them.

**Jerry Markatos**, 800 Rock Rest Road, Pittsboro, NC, stated that his family has benefitted from the rural culture and he appreciates the efforts to plan and the care going into the process; and that he applauds the process the way it is going.

**Public Hearing Request for Text Amendments to Chatham County Subdivision Regulations:** Public hearing to receive public comments on a request for text amendments to the Chatham County Subdivision Regulations to amend the major subdivision process from three steps to four steps. The four steps are concept plan, first plat, construction plan, and final plat. The major subdivision process is proposed to include a community meeting, review by the Planning Board, Environmental Review Board, Appearance Commission, and School Board and the incorporation of environmental standards for development. The amendments also include a voluntary conservation subdivision option to allow for open space conservation and density bonuses, road network connectivity standards, view-shed and buffering standards, and increasing the percentage of work that must be completed before acceptance of a financial guarantee.

The Planning Director explained the specifics of the request.

**Loyse Hurley**, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), presented oral and written comments in their entirety as follows:

"We have reviewed the proposed subdivision ordinance and are offering the following comments:

First of all, CCEC applauds the addition of more details and communication at the beginning of the process as this ultimately should smooth the development process for all involved. We also like the incentive of the voluntary conservation subdivision option which can preserve our valuable resources and protect our environment while allowing for more density within a development.

Section 5 includes a mandatory meeting with neighbors/community during the concept process. CCEC has advocated for this requirement for the past 5 years. Within this section, we suggest a new point 4c be included requiring the posting on the County web site of the notice of this mandatory meeting, including its date, time and location. This posting should be made at the same time as the letters to the neighbors are mailed out from the Planning Department. There are several community groups in the County who have valuable knowledge and expertise and who may be able to contribute positively to such a meeting. Without such a posting, these groups will have no way to be aware of this required meeting, unless they see a sign or are contacted by a neighbor.

As I indicated earlier, we are attaching our comments on sections of the Subdivision Ordinance. Since many of these comments are technical in nature, reading them aloud would only prolong this hearing unnecessarily”

She further submitted the following written recommendations in their entirety:

Subdivision Ordinance - CCEC Suggested Changes:

Under **Section 2** definitions - we suggest that a definition of “significant” or “substantial” changes and “major deviations” be included. These terms are used in Section 5 E but are not defined.

Similarly, section 7.7 G under Management of Open Space refers to the “Subdivision Administrator”, but that title isn’t defined.

We would suggest that an addition to the examples listed under “Open Spaces” include farmland. Farmland appears to be a Secondary Conservation Area.

**Section 5** includes a mandatory meeting with neighbors/ community during the concept process. CCEC applauds making this a requirement. We suggest that a “/community” be added to section 5.2 B 4 so line 2 reads “between applicant and neighbors/community for better communication ...”

Within **Section 5** we also suggest a **new 4 c.** requiring the posting of the notice of this mandatory meeting noting the specific details of when and where it will be held on the Chatham County web site. This posting should be made at the time the Planning Department mails out the letters to the neighbors. Chatham County has several community groups that have information and can contribute productively to such a meeting. Without this posting, any community groups will have to drive around the county to find the posted signs.

**Section 6 - 6.1 D** relating to the features that must be included on the first plat, **item 15** mentions that a notation that public water is not available must be included. We suggest that a mention of the proposed water supply be made here.

Similarly, **Section 6.2** provides for additional First Plat information. We suggest that some mention of any mitigation measures be taken during construction or reference be made to compliance with the soil and erosion requirements. Considerable damage to the environment by poor construction practices has been documented and this matter deserves additional emphasis. The ordinance does require a drainage and an erosion control plan for developments containing new roads, but we question whether this, in itself, is sufficient.

Under **Section 6.2 C Soils Evaluation**, there’s the requirement that a soil evaluation be preformed unless a central sewage system is proposed. We question whether this is adequate to cover community septic systems and suggest that a soils evaluation be required for such systems.

**Section 6.3 Final Plat Requirements**, under section B item 15 requires a note stating that a public or community water system is not available. We suggest that this section also

indicate what source of water is planned.

**Section 7, under 7.2 D item v** says that a private road should be constructed according to state standards but it doesn't have to be designed to state standards. Perhaps some nuance is being missed here, but doesn't it have to be designed before it can be built?

**Section 7.4 B (2)** appears to be too restrictive in that a developer would have to wait one year before creating a subdivision in the same immediate location that has frontage or a perpetual easement on a private road that extends to meet a public road. On rare occasions, for efficiency sake, this might be desirable. Perhaps this section should be reworded.

**Section 7.7 J** which refers to the Agricultural Density Bonus and mentions that prime farmland should be reserved as open space. This section is somewhat unclear. While it is implied that farming is encouraged, since it is considered "open space" how do we keep the tennis court out of the corn fields? Perhaps this section should be reworded.

**Section 8.1 D** under Sanitary Sewers appears to refer to individual lot septic systems. Perhaps this section should include private sewer systems as well as communal septic systems.

The distinction within the guidelines between Option A and Option B is unclear. Option A appears to explain the difference between open and natural space and Option B appears to copy sections of the ordinance itself. Perhaps these options could be better explained."

**Gretchen Smith**, 598 Jones Branch Road, Chapel Hill, NC, presented oral and written comments in their entirety as follows:

"My name is Gretchen Smith. I live at 598 Jones Branch Road, Chapel Hill and have been a resident of Chatham County for 23 years.

I would like to thank the members of the Planning Board, other advisory boards, and county staff for the time and effort spent on the ordinances under consideration tonight. I would especially like to express my appreciation of the Planning Board for their consideration of citizen input over the past year and for holding the Community Forum on September 30.

I would like to preface my comments with a brief quote by Aldo Leopold from his 1949 essay, titled *A Sand County Almanac*:

"A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic [of or relating to life] community. It is wrong when it tends otherwise. We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect."

I support the proposed amendments to the Subdivision Regulations, as well as the other ordinances under consideration tonight, because they embody the spirit of this quote.

North Carolina statute gives our county government authority for promoting the public health, safety, and general welfare of our county. I believe our county government has the responsibility to fulfill this duty for the common good of our community. The changes under consideration tonight will help enable our leaders to exercise this authority, and help protect us from people who are in a hurry to make the quick buck at the expense of our environment, our community's quality of life, and the taxpayers of Chatham County.

With ownership of land should come the responsibility to care for the land in a way that contributes to the common good of the community, not detract from it. Development should be a privilege, not an inherent right. The food we eat, the water we drink, the air we breathe, the stress we are subjected to in our everyday lives – these are all affected by the interconnections among plants, animals, soils, water, and people. The public's interest in water, air, and wildlife gives us, the Public, the right to protect our water, our air, our wildlife, and our community's land use for now and future generations."

**Nick Robinson**, PO Box 607, Pittsboro, NC, stated that as a land use attorney in Chatham County, he wanted to express his appreciation for the tremendous hard work that has been done to propose revisions to the subdivision, zoning and other County ordinances. He asked that the following very brief remarks be entered into the public record:

“At the September 30 public input session regarding the various proposed County Ordinance revisions, we raised the question of the extent of retroactivity of the new Subdivision Ordinance provisions to existing sketch and preliminary plats. Attached to my remarks is a list of some of the questions raised at the public input session. <http://www.chathamnc.org/Modules/ShowDocument.aspx?documentid=6992>

We're still having a difficult time interpreting Section 1.10 entitled "Savings Provision." In addition, it's not clear whether our raising of the question has had any impact on the drafting that may have occurred since the public input session. That leads me to my second point.

It seems that, in order for public review of all of the proposed ordinance revisions to be at all meaningful, it would be essential for the County to post "redlined" versions of the ordinances. It is difficult, if not impossible, to know the changes to the Subdivision Ordinance, for example, without access to a "redlined" version. That ordinance is 65 pages long.

Thank you for your consideration.”

Chairman Lucier commented that if it wasn't clear to Mr. Robinson, that they needed to change it stating that Mr. Robinson deals with it all the time and if it wasn't clear to him it needed to be revised until it is clear.

**Judith Ferster**, 228 Carolina Meadows Villa, Chapel Hill, NC, speaking on behalf of the Orange-Chatham Sierra Club Group, stated that they support the change in the Subdivision Regulations to include review by the Planning Board, Environmental Review Board, and the Appearance Commission, but believe that the conservation subdivision option should be mandatory, not voluntary for the most environmentally sensitive areas; that of the Significant Natural Heritage Areas identified by the Natural Heritage Program in 1992, many have already been destroyed by developments such as Fearington, Governor's Club, and The Legacy; that the County should strengthen the protection of these valuable sites; and that their legacy should be preservation, not destruction, of the County's environmental treasures.

**Frank Thomas**, 20 West Colony Place, Durham, NC, , presented oral and written comments in their entirety as follows:

“The new application process, while only including one additional step, can take from one to three years to navigate. Months would be spent on a project before an application is even submitted to staff. This is not just expensive; it represents a higher degree of risk for investors. Until an application is submitted, the rules under which the development process moves forward can change and, as has happened in Chatham County in the past, they can change dramatically.

Adding another element of risk, the proposed subdivision ordinance states that the Board of County Commissioners can choose to require planning board and BOC approval for construction plans and final plats. Requiring these additional appearances before County Commissioners seems to do nothing more than provide an opportunity to slow down certain, unpopular projects. How will this decision be made? Why can't guidelines for this decision be clearly outlined in the ordinance?

Construction plan review currently has no mandated timelines. County officials could theoretically waste months without ever addressing an application at this stage. Final plat again is two to four months for approval. In total, a subdivision application could take anywhere from ten months to over two years.

We all agree that environmental protection is important. One of the most successful ways to accomplish this goal is with a conservation subdivision ordinance. When well



written, they encourage cluster development that preserves open space and natural resources and reduce the need for roads and other infrastructure.

Unfortunately, you are presented with a conservation subdivision ordinance that discourages its use in the most environmentally sensitive areas of the county. By not allowing the inclusion of floodplains in the open space calculations, this ordinance encourages traditional development near any body of water. Is that really the message you want to send?"

Chairman Lucier thanked Mr. Thomas for this comments and stated that they would look into the concerns about the criteria for secondary and tertiary Board of Commissioners reviews as well as ways to make sure that the conservation approach will be used.

Jim Hinkley stated that he was appreciative for all of Mr. Thomas' hard work and comments during this process.

Sally Kost also thanked Mr. Thomas, stating he attended all the sub-committee meetings as well.

**Public Hearing for Text Amendments to Chatham County Watershed Protection Ordinance:** Public hearing to receive public comments on a request for text amendments to the Chatham County Watershed Protection Ordinance to provide increases in density to accommodate conservation subdivision density bonuses in the Chatham County Subdivision Regulations.

**Diana Hales**, 528 Will Be Lane, Siler City, NC, stated that she is speaking for The Friends of the Rocky River; that The Friends of the Rocky River applaud the Environmental Review Board, the Planning Board, County employees, and Chatham residents who are actively working to safeguard the lands and surface waters in our County; that these proposed amendments to the existing regulations and ordinances place environmental protection within the real context of land-disturbing activities related to all development; and that The Friends of the Rocky River support the adoption of these ordinances.

Ms. Hales' presented oral and written comments in their entirety as follows:

**Public Hearing request for text amendments to Chatham County Subdivision Regulations to amend the major subdivision process from three steps to four steps.**

Adding the Environmental Review Board step in the process is a huge leap forward for Chatham County. It will help assure that developers think beyond the sale of the last unit. It should result in a stronger commitment to leave the community better and more environmentally sustainable.

**Public Hearing request for text amendments to the Chatham County Watershed Protection Ordinance to provide increases in density to accommodate conservation subdivision density bonuses in the Chatham County Subdivision Regulations.**

Conservation subdivision density bonuses are a reasonable trade-off to increase residential density in watershed areas only when there is a net gain to the environment. Chatham County is rich with perennial and intermittent creeks and two rivers. But those waters are endangered because of our human desire to be near them and use them, often without much respect. These new regulations ask for something in return for that proximity that can help save their natural values.

**Public Hearing request for text amendments to the Chatham County Soil Erosion and Sedimentation Control Ordinance to reduce the minimum land disturbance requiring an erosion and sediment control permit from 1 acre to 20,000 square feet.**

These text amendments are extraordinary and can make a huge impact on the quality of surface waters in Chatham County. A big issue we face is sediment working its way into the rivers and feeder creeks because someone is timbering, or building a private road, or building a new development. These sediment problems aggravate already stressed rivers. Living along the Rocky River I have seen currents of sediment flowing downstream after a

rain. In fact, look at the color aerial imagery the county purchased in 2007 and you will see a serious sedimentation flow on the Haw. If this ordinance can prevent that disgrace, we all be better.

**Elaine Chiosso**, 1076 Rock Rest Road, Pittsboro, NC, stated that she is speaking for the Environmental Review Board; that they do not agree that the soon to be regulated areas, such as steep slopes and water shed buffers, should not be allowed to count toward the natural space; and that the incentive given to the developers (10% density increase) is enough and that you shouldn't be able to count land that you couldn't develop anyway as part of conservation space.

**Public Hearing for Text Amendments to Chatham County Soil Erosion and Sedimentation Control Ordinance:** Public hearing to receive public comments on a request for text amendments to the Chatham County Soil Erosion and Sedimentation Control Ordinance to reduce the minimum land disturbance requiring an erosion and sediment control permit from 1 acre to 20,000 square feet, require a residential lot disturbance permit for residential lots disturbing less than 20,000 square feet, and modify erosion and sediment control plan design standards. Amendments also include design standards for gradual slopes and moderate slopes and to prohibit development on steep slopes.

**Jim Willis**, Chatham County Sedimentation and Erosion Control Officer, stated that these amendments do not change the intent of the ordinance, just enhance it; and that the three years under the existing ordinance has given them the opportunity to find areas for improvements.

Mr. Willis presented a memo highlighting the proposed revisions to the Chatham County Soil Erosion & Sedimentation Control Ordinance. He stated that the purpose of the ordinance will continue to be to minimize the impacts of erosion and sedimentation resulting from land-disturbing activities; that the revisions are intended to address the concerns specific to Chatham County and to coordinate with other county regulations; and that the list below does not represent every change made to the ordinance but it includes the major changes.

- The limit on the area of disturbance that will require the submittal of an erosion and sedimentation control plan and application for a land disturbing permit has dropped from 1 acre to 20,000 square feet.
- Additional regulations have been included in the ordinance for land-disturbing activity undertaken on moderate and steep slopes.
- A new section has been added to the ordinance that will require a residential lot disturbance permit for the construction of all residential dwellings.
- The regulations for the expirations of plans approvals and land-disturbing permits have been revised for better explanation.
- The design storm for applicable erosion & sedimentation control devices has been increased.
- The time limits for stabilization of exposed soil have been reduced to 15 days (less on moderate and steep slopes).
- Provisions have been added to the ordinance for the requirements of certificates of compliance and completion.
- Requirements for documentation have been added to the ordinance for the issuance of exemptions for agriculture and silviculture.
- Mandatory standards have been revised to coordinate with the county watershed protection ordinance, the county storm water ordinance and to limit the maximum slope for graded areas to 2:1 (two horizontal to one vertical).

- Provisions have been added to give the county the ability to issue a stop work order and to revoke a land-disturbing permit if a site is out of compliance.

**Loyse Hurley**, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), presented oral and written comments in their entirety as follows:

“Chatham County has recently experienced several incidents where our streams and rivers have been adversely affected by careless soil disturbing activities. CCEC applauds the upgrading of this ordinance to include provide better quality control on the land disturbing activities that can endanger one of the most valuable assets of this county - our water. We are attaching our technical comments for your review.

One concern about this proposed ordinance is in the areas of penalties and injunctive relief. Both sections do not appear to provide sufficient provisions for any emergency corrective action taken by the County to prevent additional damage to the environment. Within Section 21 - Penalties, there is no provision to reimburse the County should it have to undertake emergency remedial action. Section 22 - Injunctive Relief indicates that corrective action can only be taken after a court ruling. Normally, at home, to prevent further damage, when one has a leak, one turns off the water until that leak can be repaired. Similarly, when there is a chemical spill there are containment measures that can be taken immediately to prevent additional damage. CCEC believes that similar emergency measures should be included within this ordinance.”

In addition, she presented written CCEC suggested changes as follows:

**Soil and Erosion Ordinance - CCEC Suggested Changes**

**Pages 8 - 9 - Section 4** - This ordinance applies to the entire County, but excludes both agriculture and silva culture. Under the exclusion section agriculture is defined . We recommend that this definition include the wording “... production of plants and animals useful to man or animals including but not limited to:” in order to include feed crops.

We also recommend that horticulture be included as an example of agricultural activity.

In order to obtain this exclusion, both agriculture and silva culture require an application for this exemption and a letter from the County granting the exclusion. The ordinance needs to state whether this exemption is a one-time process or does it need to be renewed twice yearly for crops and only at the time of harvesting for forestry. More specifics are needed.

**Page 26 in Section 14** fees are discussed but there is no mention of any fee in order to obtain either the agriculture or silva culture exemption.

**Page 33 Section 20 (h) (4)** indicates that a Stop Work Order is only good for five days. We suggest that a Stop Work Order be issued until work is under taken to correct the violation.

**Pages 34-35 Section 21 Penalties** - This section addresses penalties and fines but does not include provisions for corrective action taken by the County, where necessary under **Section 23 (page 36)**, to alleviate the violation and any reimbursement to the County for such action.

**Page 35- 36 Section 22 Injunctive Relief** - This section appears to indicate that corrective action or mitigation can only be taken after a court ruling. Some provision is needed here to allow the County to take emergency measures to prevent additional environmental damage while the court is deliberating.

Jim Willis stated that they can look into the concerns, but they must work within the constraints of the Sediment Act.

**Judith Ferster**, 228 Carolina Meadows Villa, Chapel Hill, NC, stated that she is speaking for Orange-Chatham Sierra Club group; that they support the changes to the Chatham County Soil Erosion and Sedimentation Control Ordinance; that they want to note especially the importance of the provision for steep slopes, the inclusion of provisions for individual lots of at least 20,000 square feet, the provision decreasing the amount of time disturbed ground can be left bare, and the reduction of the percentage of a drainage area that can be disturbed at any one time; and that they have spoken on some of these issues in the past and are glad to see them included in this proposal.

**Roy Hipple**, 170 TC Justice Road, Pittsboro, NC, stated that he did not like the last sentence prohibiting development on steep slopes; that many good looking and practical homes are built on steep slopes; and that a blanket prohibition of development on steep slopes is appropriate.

**Randy Voller**, 21 Randolph Court, Pittsboro, NC, stated that this ordinance is particularly important to Pittsboro's water supply; that exemptions for timbering and agriculture must be addressed; and that it is hard to know who is responsible for sedimentation.

**Elaine Chiosso**, 1076 Rock Rest Road, Pittsboro, NC, stated that she is thrilled that the County is enacting this ordinance; that Jim and Rachel are doing a good job; that building on a steep slope requires careful planning; and that the Haw River Assembly commends this effort and this ordinance.

Chairman Lucier expressed appreciation on behalf of the Board of Commissioners for the work efforts of Ms. Chiosso and the Environmental Review Board.

**Efrain Ramirez**, 250 Town Lake Drive, Pittsboro, NC, stated he appreciates the architecture on steep slopes, but that he has seen what happens when too much is done on steep slopes and what comes down from the very lofty perches; that he is not arguing with Mr. Hipple, but that he thinks it would be best to keep them off if possible.

**Anthony Bright**, 1305 Walter Bright Road, Sanford, NC, stated that he is a small builder; that he is concerned about the decrease from 1 acre to ½ acre; and that as a small builder his permit costs have escalated.

Jim Willis stated that they have tried to keep in line with what the County is trying to do with watershed protection and buffer regulations and addressing disturbances on smaller areas; that they are also trying to keep in line with other jurisdictions. The requirements for residential lot disturbance permits are done in fashion to keep it as reasonable as possible for the applicant, and that the fee will be a flat fee.

Anthony Bright continued by saying he still questioned two things—the amount gained by going from 40,000 to 20,000 to protect and the amount of run-off saved; and that he also questioned the requirement for individual homes. He further stated that the last “affordable home” he built in Pittsboro resulted in nearly \$8,000 in permits.

Commissioner Vanderbeck stated that pollution does have its costs, too, to everyone else; and that this is the intent to curb this type of cost to the environment.

**Public Hearing for Chatham County Stormwater Ordinance to Establish Minimum Requirements and Procedures:** Public hearing to receive public comments on a request for a Chatham County Stormwater Ordinance to establish minimum requirements and procedures to control the adverse effects of increased stormwater runoff and non-point and point source pollution associated with existing and new developments and redevelopments. The provisions of the ordinance apply to activities that cumulatively disturb more than 20,000 square feet. The ordinance provides design standards for stormwater control features, administrative responsibilities, stormwater management plan requirements, maintenance and inspections provisions, and enforcement provisions.

Fred Royal, Environmental Resources Director, stated that the Stormwater Management Ordinance is to make stormwater management consistent throughout the County; that it has previously been inspections permit-type stormwater requirements; that

some of it has lacked in follow-through, operations of maintenance plans and those types of things.

Mr. Royal presented a written handout in their entirety as follows:

**Section 103 Applicability and Jurisdiction**

- Applies to all development that involves more than 20,000 square feet of land disturbing activities.
- Exemptions are:
  - Individual Single-Family Residential
  - Agricultural, Timbering and Horticulture Activities
  - Emergency operations
  - Projects with existing County approval

**Section 300**

Environmental Resources Director is named as the Administrator of this Ordinance

**Section 400 Stormwater Design Standards**

- Adhere to generally accepted engineering practices
- Utilize latest rainfall data from NOAA
- Three-acre maximum drainage area for a single BMP. Larger drainage areas require BMPs used in series.
- Water Quality
  - 1-year, 1-hour is designated as the water quality storm event (approximately 1.43" of rainfall) and 95% of all recorded (average) storm events in Chatham County.
  - Minimum requirements: demonstrate 85% Total Suspended Solid (TSS) removal
- Water Quantity
  - Maintain Post-Development peak discharge rate at Pre-development levels for ALL STORMS up to and including the 10-year, 24-hour event
  - Additional reductions may be required when the receiving capacity of the system is limited or when needed to prevent the exacerbation of documented downstream flooding
- Conveyance Systems (inlets, pipes, culverts, ditches, etc.) minimally meet NC DOT Standards
- Alternative Designs Standards encourage certain activities by reducing the minimum requirements
  - Redevelopment of existing impervious areas with certain conditions must meet **both water quality & water quantity standards**.
  - If Low-Impact Development is incorporated, the **water quantity standard** is NOT required.
  - Minor Subdivisions are required to meet the **water quality standards**, which includes two options: residential guidelines (Appendix C) or the 400(2) requirements. However, they do NOT have to meet the **water quantity standard** UNLESS the pre- versus post-development requirement for a 2-year, 24-hour event standard is exceeded by 10%.

**Section 403 Stormwater Approval, Plan Submittal and Review**

- Must be prepared by either a registered professional engineer or landscape architect with expertise in the field
- County Commissioners may adopt fees to cover the cost of reviews

**Section 500 Operation and Maintenance Agreement**

- Stormwater Infrastructure and BMPs are the responsibility of the **underlying landowner** where the BMP or infrastructure is located.
- The Maintenance Agreement is required and recorded on the deed

- The Owner is required to maintain stormwater infrastructure and BMPs as designed and provide periodic inspection reports to the County (initial report required every three months and annually once established).

### **Section 700 Illicit Discharges**

Includes a list of **Prohibited and Allowed Discharges** into any receiving stream

### **Section 800 Stormwater Utility**

Gives the Board of County Commissioners the **option** of establishing a Stormwater Utility in the future, if desired, by adopting a suitable fee and establishing a schedule of services provided by the fee.

**Loyse Hurley**, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), presented oral and written comments in their entirety as follows:

“We are pleased to see that the County is establishing minimum requirements and procedures to control the adverse effects of both point and non-point discharges of stormwater. It is always best to prevent pollution at its source and these proposals attempt to do just that.

Article 6 addresses enforcement violations and their penalties. We recommend increasing the provisions of this section to cover those rare cases when a developer or responsible party can not be located and emergency action is needed. This would allow for the County to take emergency corrective action while simultaneously pursuing legal remedies.

Once again, we are attaching a listing of other suggested modifications to this ordinance.”

In addition, she presented written comments as follows:  
Stormwater Ordinance - CCEC Suggested Changes

**Page 7**, under the definition of Land Disturbing Activity, we recommend the deletion of the word “single” family from this definition, since the construction of multiple family residences will also disturb the land.

**Page 23, Article 6** - this section deals with enforcement violations and addresses penalties. In the rare case when a developer or responsible party can not be located, we feel this section is inadequate to protect the environment. The legal remedies that are mentioned, take time to enact, and meanwhile the damage can be on-going. We recommend the addition of a provision allowing for the correction of the situation on an emergency basis to avoid ongoing pollution.

**Page 28 - Under Stormwater Utility Service Fee - Article 800A** - remove the reference to “public enterprise” from the cite for the authority.

**Judith Ferster**, 228 Carolina Meadows Villa, Chapel Hill, NC, stated that the Orange-Chatham Sierra Club Group supports the creation of a Stormwater Ordinance; that it is past time for Chatham County to have one and this proposal is strong; that the Sierra Club and others have been advocating measures like these for years; and that their inclusion in these proposals makes them believe that this august body has been listening and give them hope that they will be strengthened where needed.

Dave Klarmann asked how different was Chatham County going to try to do from what the NCDOT does along all their paved roads around the County and how is what the County is going to do with development going to change what happens along all of the highways.

Mr. Royal stated that this only applies to new development, not NCDOT highways; that new development will have less pollution run-off; and that the peak discharge will be less scouring. He stated that they are improving what they are doing; that they do not allow stormwater features in their rights-of-way except in rare cases; that Chatham County’s

development will have a larger impact with stormwater running off Chatham County's private and public developments; and that it will not impact NCDOT rights-of-way other than the right-of-way will have less velocity, less volume, and less pollution running into it.

Chairman Lucier stated that Chatham County was predicted to grow, by the Triangle J Council of Governments, faster than either Durham, Orange, or Wake Counties; that it is important that appropriate stormwater features are in place; that they can not control what goes on in other counties; that their job is to do what is best for Chatham County; and that is what they are trying to do.

#### **MANAGER' S REPORTS**

There were no Manager's Reports.

#### **COMMISSIONERS' REPORTS**

There were no Commissioner reports.

#### **ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to adjourn as the Chatham County Board of Commissioners to convene as the Southeast Chatham Water District Board. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:20 PM.

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George Lucier, Chairman

ATTEST:

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