

**Kathleen Hundley**  
**Remarks Given at Public Hearing,**  
**November 21, 2005**

**Conditional Use Zoning**

The **Friends of the Rocky River (FORR)** believes that, at this time, it is best to act very conservatively and keep the conditional use zoning process we now have. We believe a conservative approach is necessary and should be taken until it is clear that any conditional use decision-making process, whether existing or proposed, meets the following goals.

- The county <sup>it</sup> should maintain a directory of all citizens' groups in the county. When a proposal is received to revise/change the existing conditional use zones, all citizens' groups, as well as ~~community stakeholders and~~ adjacent property owners, will be provided ample notice. It is reasonable to assume that, at least in theory, additional development within the county may increase costs to ~~the~~ <sup>its</sup> citizens due to poorly designed and developed projects that could result in expensive repair to degraded environmental elements on or adjacent to the development. For those reasons, at least 30 days before a Public Hearing on the <sup>proposed</sup> change, all citizens' groups and concerned citizens will hold a meeting with the proposing developer(s) to hear the proposed development plans, anticipated environmental impact, discuss environmental protection efforts and answer any questions raised by the attending groups. Following the meeting and prior to the Public Hearing, the developer(s) will submit an impact study that reflects and is **based on** conversation and <sup>decisions</sup> ~~results~~ of the citizen's group meeting. No conditional use zoning should be approved until that study has been received, studied, and approved.

- Standing Conditions <sup>will be BOC</sup> are established that guarantee protection and or enhancement of existing natural and environmental resources, including natural beauty – with the certainty of hefty fines if conditions are not met.
- ~~It is not~~ used as a means of implementing outdated 20<sup>th</sup> century developmental concepts and availability that have guided the rapid growth of southern cities, i.e. <sup>in the recent past</sup> Raleigh, Charlotte, Atlanta, among others. <sup>Curry, Apex, many other Springs</sup>
- <sup>will be provided</sup> ~~Provides~~ avenues whereby community stakeholders can easily undertake administrative and/or judicial appeals (e.g. financial assistance for community law suites provided by the developer and/or county) especially if decisions do not implement Standing Conditions. <sup>large and small</sup>

<sup>Many citizens</sup> ~~FORR~~ feels strongly that the current changes to existing conditional use zoning have been requested by developers for developers. The citizens of Chatham County AND their elected leaders are not here to respond to the needs of developers. Rather, we are here to protect the needs of the entire county, not only certain segments responding to proprietary interests.

November 21, 2005

Commissioners:

Re: Conditional Zoning

Good evening. My name is Loyse Hurley and I am President of Chatham Citizens for Effective Communities (CCEC). I reside at 16 Matchwood in Pittsboro and I represent the views of CCEC.

CCEC has reviewed the Conditional Zoning Ordinance and finds some vulnerability for the County, its citizens and its future. Time doesn't permit me to go into extensive detail tonight but I will try to cover the main points that we see as potential problems.

Under General Concerns:

Overall the proposed ordinance doesn't distinguish a major development proposal from a minor one. All are treated the same. So a Briar Chapel or a large commercial development proposal which will have a more significant fiscal, environmental and traffic impact on the County, is identical to a one house addition to a development. There needs to be some limit, based on the number of houses or acreage, which triggers a different procedure.

Conditional Zoning replaces the five findings within a Conditional Use Permit with a lesser standard of review criteria. This is less protective for the County. The Board is exposing itself to massive pressure from developers unless you approve each and every development with only the conditions they will accept. Essentially, you would be making all decisions on any development on an individual "developer's contractual" basis. Even the developers should want some rules and consistency, so that one developer does not have an advantage over another. Should you reject a proposal or wish to resist it because of public outcry, what standards do you use? The terms arbitrary and capricious come to mind. It's an open door to a massive level of developer coercion, which you really don't want to have. With all due respect, you will have better protection for yourself and the County if you set some firm standards - like the five findings - upon which your approval is based. Section 5.6 should also be mandatory as to the specifications the developer must supply.

Specific concerns on Conditional Zoning include:

1. Pre-submittal meeting - abutters must receive notice but it's left to the developers to decide which, if any, other citizens who may be included. We're back to that basic difference between that big development and that one little house.

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2. The report on the Preliminary meeting is one sided - it omits a discussion of the issues NOT changed by the developers as a result of the property owner's requests. It is possible that a developer can not meet these requests but the ordinance does not call for an explanation of why they can't meet them. Also the ordinance makes clear developers are not legally required to hold such meetings, since there are no legal consequences if they ignore this requirement. Moreover, you would be able to waive this meeting entirely. Not a good idea. On the other hand, there is no requirement that you attend this meeting. Such attendance should make it easier for you, in your dealings with citizens and developers alike. The important points are that a representative of the citizens should be able to sign off on the developer's report of this meeting and the meeting allow for a free and open discussion of the concerns about the proposed development.

3. Section 5.10 allows the Planning Director to administratively approve an increase of 10% or 1,000 square feet for commercial but doesn't include any such authority for residential. While this is intended for use as an administrative tool - a good thing - this section does not limit the number of times the Planning Director can do this. So, theoretically, a development could be increased in 10% increments forever. Some limit is needed in this section.

4. There are numerous deficiencies in the County's ordinances which need to be in place before Conditional Zoning is enacted in order to provide the County with adequate protection. You've got a "building block" process here and your "basement" is incomplete. CCEC will address these with another speaker.

Let's get back to the basics and the original deficiencies in process approval with our current Conditional Use Permits that CCEC pointed out last year. These problems were what Conditional Zoning was supposed to solve.

Close to a year ago, CCEC requested sufficient lead time to thoroughly review developers' submissions. The current Conditional Use Permit procedure only gave about 15 days for citizen review, while the developer had months to prepare. The current public hearing process did not include sufficient time for a professional and knowledgeable review by the citizens. You have professionals who are willing to help the County with their expertise and knowledge - at a great price - they are volunteers. A competent review at no cost to the County. County staff needs additional personnel to handle this growth we are experiencing. It's not a case of anti-development or pro-development here. Professional reputations would be on the line. You do not have any review of changes made by the developers during the process. You're taking it on "blind faith" that the developers have absolutely no interest in the outcome and are supplying you with all the facts and the very best advice possible. This defies credibility.

One of the benefits cited for Conditional Zoning - and one you like- is the idea that you would be able to discuss a proposed development, freely and openly. You could respond to telephone calls and e-mails without worry.

Instead of throwing the baby out with the bath water, why not simply hold two hearings?

The first one could be a public informational session, where the developer could come and explain his proposal to you, the Planning Board and citizens alike. You would be free to ask questions of the developers, and hear citizens and adjacent property owners concerns at this initial public informational session or at subsequent Planning board meetings. Your attendance at the informational meeting would bring you up to speed on the initial proposal and you would be able to hear citizen concerns and do your own research if necessary up to the end of the process.

After this informational meeting, the proposal would go to the Planning Board, as it does now. These Planning Board meetings need to have free and open dialog about the proposal, with citizens and abutters alike, contrary to what is done now. Once, it went through the Planning review process, it would come back to you for a *Quasi-judicial* hearing on a Conditional Use Permit. This hearing would include any changes the developer has made during the process and the public would have the opportunity to tell you their factual evidence.

After this final *Quasi-judicial* hearing, it would come to you for a vote. You would, of course, not be able to discuss the proposal privately with the developer or adjacent property owner before your vote. Your vote would be based upon the five findings along with the benefit of all the "facts" you heard at the public hearing. The information received at the Public Hearing would still be fresh in your mind and not months old.

Yes, this would lengthen the process, but it would also free you up to discuss proposals with anyone and would provide you with the best information upon which to make your decision. Do you want to do less?

Thank you,

Loyse Hurley, President

**November 21, 2005**

**Good evening:**

**My name is Rita Spina, I live at 12 Matchwood in Pittsboro and I'm speaking on behalf of CCEC.**

**Tonight at these Public Hearings we are being asked to review two major changes to ordinances that have served our County well: the protection of our drinking water supply and the quasi-judicial nature of Public Hearings that reserve the rights of both our citizens and the County. The question that immediately surfaces is, "Why Now"? You, the Board of Commissioners have not done the strategic planning to show us why these are to our benefit - what is the longer term impact of these decisions on the infrastructure of the County, and all its citizens...those in the northeast and in other areas.**

**I thought back to all the successful companies, school districts and communities I have experienced and asked how and why they achieved status in the eyes of their constituents. They all have several commonalities - but the major one that stands out is, they carefully, step by step, planned ahead 10 to 20 years, taking into consideration the needs of those they were serving. Although there were variables in how and why, they knew where they were going and they had a long range plan to get there. Good strategic planning is the base of success.**

**Chatham County has been in the state of lack of strategic planning before. Look at the schools with their lack of infrastructure, the lack of water to the specific parts of the county who needed it, overworked county staff, and the lack of any good, successful economic development planning. What has this lack of planning cost you in the past 2 years? You have had to scurry to get the water to the districts who need it; you put time and effort working out some plans to change the neglect to our schools. And that is good. I'm not going to mention the status of Chatham County's economic development - we have none.**

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However, we still do not have any comprehensive Strategic Plan to attack our infrastructure needs for the county over the next ten to twenty years. You have deliberately ignored the Land Use Plan, and have not even supplied a map showing where residential and commercial development should be located. Now, I read in the paper, you want to throw this plan aside and develop another one! That's a travesty and a total waste of effort when all you have to do is add the map! You have never officially passed the lighting ordinance, or the premises sign ordinance, or developed the commercial corridor ordinance which had been promised some time ago to "be next". You've allowed the developers to plan the County. The proposed 10/70 Rule won't protect our watershed and Conditional Zoning will neither protect the citizens or the County. You also need a comprehensive, adequate economic development plan in place.

What you DO have in place, or so it appears to us, the citizens, is that the BOC has a plan for ITS success...it is based on high density development of the NE section of the county, piece by piece, with no strategic plan and rejection of all protections for the citizens. The BOC plan is perceived to be based on the questionable income from potential tax dollars of this density development in the NE part of the County. The development is placed on the mega developers who have taken over. The plan we are seeing, in order to accomplish your goals, has been negligent in considering the longer range consequences of this type of piecemeal progression. These variables that are being ignored today will haunt the county at every level over the years to come.

This is what we have experienced: resistance and disregard of any expert analysis of issues the community has raised at almost every meeting over the past two plus years: neglect of the future impact on water supply, water quality; protection of the watershed; an increase in traffic congestion; protection from strip mail development along commercial corridors; invasion of the natural/rural aspects of the area that have brought so many to live here; and a work load on county departments that is overwhelming. There has been no recognition of the need for future preparation for all that is already approved over the next 10 to 15 years. The only thing that has been looked at has been our rising economic debt that will fall on the shoulders of tomorrow's citizens. There is no strategic planning in sight...and when it has been proposed by citizens, the request has been ignored.

**This lack of strategic planning that we saw in previous years will only lead us from today to the similar situations you faced when you started your terms in office plus an increasing demand from thousands of new residents in this part of the county alone. A Chatham citizen put it very well...FAILURE TO PLAN IS PLANNING TO FAIL!**

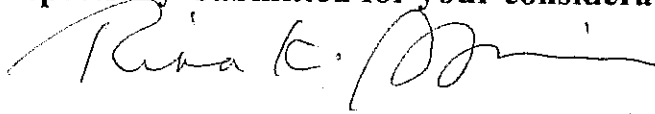
**This is not a view against residential and commercial development by the citizens; it is a view that growth in and of itself is not enough. It must be planned for well into the future; it must take into consideration our assets and potential liabilities; it must be looked at from every angle so as to protect what is good and what needs attention; build to serve all of us in such a way that we preserve the look and feel of the specialness of the County, so we are not faced with piecemeal decisions that stop others from coming here. And look hard at the real dollar costs for preserving the necessities we have come to expect - safe and sufficient water, costs for retrofitting of outworn and inefficient systems, the movement of people and goods on the highways, the greenness of a healthy environment, school infrastructure, the safety and security of our citizens. This planning must take into consideration the whole picture of the future and include tomorrows needs. This would protect the County from what it will have to do and redo and pay for down the line if you continue to allow the developers to dictate what should happen in Chatham.**

**The example of Conditional Zoning is one decision. Why at this very moment has this been brought to us? For the benefit of whom? Small existing businesses? No. The County? No. We the citizens? No. Property rites of land owners? No. The future? No. Developers? Yes. Real estate companies? Yes. Conditional Use Zoning has protections for all. There is no reason to change its intent. It could be adjusted and modified to save time and money and to be more inclusive for citizens, but as to the NEED to change it and lose protections for both us and the county? The answer is NO. Spend your efforts to work out a comprehensive strategic plan for growth and development that includes sound economic development as well.**

**A local newspaper this past week said the following: "The Hillsborough Planning Board unanimously recommended earlier this month that the town reject the proposal until it has a strategic growth plan and can store more water." Wonder what their Commissioners will do? And**

what about a moratorium for 6 months while you work out a strategic plan and look closely at what the real needs will be for years to come? I wonder what Chatham's Commissioners will do.

Respectfully submitted for your consideration.

A handwritten signature in black ink, appearing to read "Rina K. [unclear]". The signature is fluid and cursive, with a long horizontal stroke at the end.



### Conditional Zoning

Good Evening County Commissioners, County representatives and citizens of Chatham County. I'm Bill Tessein and I live at 758 The Preserve Trail.

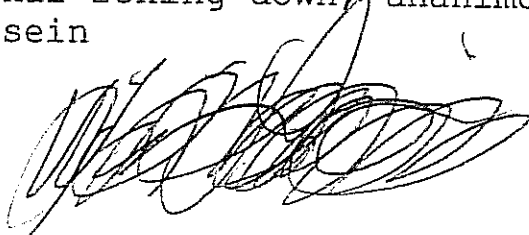
Now come on people; you know as well as everyone, that the Conditional Zoning proposal Was brought forward by County Planning, fundamentally to keep citizens out of the mix, and to assure all land use changes and approvals are made under a cloak of invisibility.

Why are you voiding, the current need of the developer to meet "five findings" that are now required in order to issue a Conditional Use Permit? Are they not there, to protect our quality of life? If so, passage of Conditional Zoning throws our quality of life out the window. Citizens will have no protection against Commissioners who have no plan, do not care about environmental consequences and do not worry about future tax increases. Why shouldn't the county require the testimony of experts and allow citizens to ask pertinent questions of the developer when their environment is at stake? Look at Conditional Zoning and tell us if it is in conflict with the county Land Development and Conservation Plan. It seems to be.

The idea of a county for the developer, of the developer and by the developer is showing through brightly. Land Use Decisions need quality control of content and quality assurance of intent. That is everyone's job. Your conditional zoning takes these rights away. I have trouble with a political body making land use decisions that affect me, at the request of developers, without those developers being required to prove beyond any doubt that their request will not be harmful to the environment that surrounds us all. I have trouble with the fact that a developer does not need to prove beyond expectations that their request is in harmony with the quality of life we now know. You are not a political body unto yourself, work with us. As it

exists, the Chatham County Land Use Decision Making Process seems a bit like entering the Land of Oz. Most decisions seem to come from the Great Oz himself pushing Chatham County residents aside. This proposed developers' Conditional Zoning will prohibit or make it practically impossible for the citizens of Chatham County to have any reasonable recourse when a decision on land use is made, even when it smacks of developer bias. Tell us, do you think the Conditional Zoning proposal has any developer bias? Political decisions are hard to overturn. The legal system presumes you vote in our best interest. Primarily, the courts do not like to get involved in politics making this Conditional Zoning proposal a smoking gun for the loss of citizens appeal rights. Instead of handcuffing the citizens with Conditional Zoning, why not improve the current conditional use permit process giving the public sufficient review time. Then obtain your impact studies and make any needed revisions to development proposals before you make a decision. Instead, allowing Conditional Zoning in a rural growing county such as Chatham County, will make unrestricted growth, rather than rural character, the county's identity.

This Commission needs to promote change that ensures' greater control by the voters; find ways to keep political land use decisions away from the people who believe representation means anarchism. Conditional Zoning and the rules of the Chatham County land use game need deep scrutinizing and most likely change, so that growth will be manageable. If you pass Conditional Zoning, it will be time to effect genuine change, change that make a political body that reflects the broad public interest. That is Democracy. Do not pass Conditional Zoning, put it in the garbage and move in the correct direction protecting our quality of life and the counties best interest. Turn Conditional Zoning down, unanimously. Thank You  
Bill Tessein

A large, stylized handwritten signature in black ink, appearing to read 'Bill Tessein', is written over the typed name at the bottom of the page.

*conditional zoning*

**Jeffrey Starkweather – Speech on ~~10/10/2010~~**  
**Public Hearing November 21, County Commissioners**

**Commissioners, Planning Board Members and Public Officials**

**My name is Jeffrey Starkweather; I live at 590 Old Goldston Rd, Pittsboro.**

You have before you a proposed change in your approval process for development reviews, which will drastically change the way process operates and standards by which we can impose conditions on development proposals. Before we jump off that steep cliff I would like to review with you what led up to this proposal and what problems it was supposed to remedy. I also want raise a few concerns that I have about the proposed process, most of which will be covered by Loyse Hurley for CCEC.

Many of us involved in attempting to bring citizens input into the planning review process became extremely concerned about the fact that developers were driving this process and citizens were not given sufficient time to provide meaningful input or raise questions about proposed developments. Furthermore, by the time the county commissioners made decisions on conditional use permits, it had often been months since they had heard the quasi-judicial “factual” testimony upon which they were supposed to decide on the five findings of fact. Also, citizens had reason to believe that developers and their attorneys had access to private [e.g. ex parte] meetings with certain commissioners that were not afforded to adjacent property owners and other affected residents.

Last year CCEC formed a planning task force consisting of former planning board members, attorneys and small, local developers. We came up with a suggestion to tweak the current planning review process to remedy most of these problems. This would involve simply adding a public information meeting at the beginning of the process to be attended by commissioners, planning board members and citizens. At this hearing all attending would learn the details of the development proposals, be able ask questions of the developers, as well as hear citizen concerns and their general opinion of the proposal. There would be no sworn testimony. CCEC was going to suggest that the official quasi-judicial hearing be delayed until after the planning department and board, with developer and citizen input, had reviewed the proposed development and made recommendations for changed or additional conditions and for approval or denial of the conditional use request. The commissioner could deliberate on what they had heard from all parties at this hearing and make their decision at a subsequent public meeting as they saw fit.

However, instead of making that proposal directly to the commissioners, we thought you would be more receptive to the idea of forming an ad hoc planning review task force consisting of representatives of all the stakeholders in the process – citizens, planning board members, planning staff, developers and attorneys. They idea was to have them all come together and see if there was a process that they all could agree would work for each party. Obviously, this would require some compromise.

This was presented to you informally through one of your fellow commissioners in January of this year. The proposal was apparently ignored. Instead, Mr. Megginson's staff was assigned to coming up with a solution without the official input of any of other stakeholders parties, except the planning board when he formally presented it to them. But he provided the planning board with no alternatives.

I would like to quickly review the problems we said in our proposal that citizens felt needed to be addressed. [See attached document entitled "Current Planning Review Process Dysfunctional – Needs Review and Revisions to Provide Fair, Predictable, and Adequate Deliberations."]

I do not believe Mr. Megginson's proposed conditional zoning proposal solves the problems we raised. Instead, I believe it will not only exacerbate some of those problems, but it could lead to other more serious problems.

1. The proposed pre-submittal meeting held by the developer with adjacent property owners does not require inclusion of the general public and there is no required enforcement mechanism for use by citizens if they are deprived of an opportunity to attend this meeting. The report is controlled by the developers who will invariably use PR techniques in reporting a positive and sanitized version of the meeting. What will happen when citizens dispute what was presented at the meeting?

2. The hearing is still at the beginning of the process and citizens not invited to the pre-meeting with the developer will still be unprepared to seriously challenge or raise questions about the proposal. Again, it could be months later that the commissioners have to vote on what they heard.

3. For commissioners who like a little privacy from time to time, when you adopt this proposal you will inundated by telephone calls and e-mails from developers and their attorney, adjacent property owners and their attorneys and citizen groups and individual citizens and their attorneys such as myself.

4. Most of the jurisdictions that have implemented conditional zoning have been large cities and counties in metropolitan areas with large, experienced planning staffs. They have also included among other many other submission options, usually retaining conditional use permits, and they have primarily used for small urban developments that are going outside the normal development patterns and rules.

5. We have not developed the ordinances that were proposed by our land use plan to help guide us under conditional zoning. As a result, development reviews will likely become an even more ad hoc process driven by developers than we have now. Do not be fooled here. This is not just some sort of tweaking of the process to eliminate problems with ex parte communications or different standards between zoning and conditional use permits. This is a proposal to pretty much change all of our land use decisions into

CONTRACT ZONING. Essentially, this will be converted into a back-room negotiation between the developers and individual county staff and commissioners.

I know this is not the type of closed door planning review process that the citizens want.

Thus, I want to bring you back to CCEC's suggestions made approximately one year ago. We and other citizen groups stand ready to sit down with other stakeholders, such as developers and their attorneys, to see how we can make our present review process more predictable, fair and adequate. What is the hurry? Why should only professional staff have the only say in what our planning process should be? Why were alternatives not presented? Why, when Megginson responded in writing to our summary of the problems and suggested solution did he staunchly defend the current process, but now is proposing about changing the entire basis upon which zoning and conditional uses are reviewed and approved?

Likewise, we also stand behind our proposal to make a slight adjustment in the current process by adding an informal hearing at the beginning of the process and moving the quasi-judicial process until the planning board review and just prior to the commissioner's decision on the proposal? To use a trite but true metaphor, why throw the baby out with bath water?

Finally, to quote from another planning board member: keep it simple. Why risk further complications and confusion by totally changing the process and the standards upon which we review planning requests. All we need are these minor changes to give citizens meaningful input and you fresh and well-vetted facts upon which to make these critical planning decision.

## Current Planning Review Process Dysfunctional - Needs Review and Revisions to Provide Fair, Predictable, and Adequate Deliberations

### Problem:

1. Joint public hearing starts the process:
  - a. Citizens, Planning Board and Commissioners do not have sufficient, information to ask well-thought out questions and/or to review material, obtain legal counsel, experts, etc..
  - b. By the time the Commissioners make their decisions, it has been such a long time that it may be difficult for any of the parties to recall what occurred at the public hearing. For legal reasons, this may necessitate the production of expensive written transcriptions.
  - c. Developers, not public officials, are driving the pace of our review process.
  - d. The Planning Department staff does not have sufficient time or staff to prepare a technical summary and analysis for the Planning Board and Commissioners to use in formulating questions for the public hearing.
  - e. There is no formal, legal procedure for obtaining factual input from the developer, citizens, planning department and/or professional consultants concerning major modifications to development proposals made after this initial public hearing.
2. Timing of quasi-judicial procedure for conditional use permits restricts meaningful citizen input, Planning Board and Commissioner review, and fundamental fairness.
  - a. Tied with the initial public hearing, makes it impossible for the Planning Board and the Commissioners to obtain additional information needed for meaningful review of the proposal.
  - b. Planning Board's interpretation only gives the developer an opportunity to provide additional evidence. Citizens, adjacent property owners and/or professional consultants are left out of this process.
3. No written rules to guide the Planning Board review process at meetings – how long they continue deliberating, do they finish the specific issue under discussion, does it matter if they still have several other meetings to decide, who can speak when reviewing rezoning , conditional use, subdivision or combination requests.
4. There is a no set timetable for submissions and review of developments, depending on size, impacts, and peer reviews required, etc – including date when submitted prior to hearing, regular hearing dates for different types of proposals.

5. There is no technical review process or committee – where all the County staff must sign off on their review and recommendations – public works, schools, sheriff, fire, recreation, etc. (prior to public hearing)
6. The current pace of development proposals that Planning Board, County Planner, County Commissioners, citizen groups, citizens and adjoining landowners face is beyond their review capabilities under our current process.
7. Confusion and conflict over the procedures and review rules concerning quasi-judicial hearings and Planning Board and Commissioner reviews of conditional use permits. Apparently the chairman of the Planning Board has been instructed that the Planning Board can not hear additional evidence from citizens and adjacent land owners about a conditional use permit. However, in questioning the developer about an important development project at December's Planning Board meeting, the developer was the only party allowed to provide additional factual and professional opinion information. This defeats the very purposes of quasi-judicial hearings – fairness to all sides and a thorough and flexible review of a development proposal and its subsequent modifications.

**Objectives:**

1. Fairness and openness for all involved.
2. Adequate and meaningful citizen input into planning decisions
3. Clear and understandable process.
4. Pre-determined stages and hearing dates – give everyone sufficient advance notice.
5. Provide sufficient time for limited planning staff to provide analysis and recommendations.
6. Assure that all relevant information is considered.
7. Give Commissioners the information about the development sufficiently in advance of the public hearing so they can ask critical questions and holding that public hearing just prior to the decision making.
8. Promote public confidence and support of county commissioners' development decisions.
9. Provide for a variety of review/negotiation opportunities for resolution of conflicts over development issues prior to the final decision by the County Commissioners.

## **Solution Process:**

County Commissioners form a citizens/developers task force that would include representatives from groups that have been involved in planning issues, such as Chatham Citizens for Effective Communities (CCEC), attorneys who have represented citizens, local developers, Planning Board members, etc. County officials such as the County Planner, County Attorney, and County Manager could serve as advisors to the task force. The task force could also consult regional and national planning organizations, such as Triangle J, North Carolina Chapter of the American Planners Association, the Association of County Commissioners, International City Managers Association, and North Carolina Smart Growth Alliance.

The task force would gather information about the process used by other cities and counties surrounding Chatham and throughout the state, with particular emphasis on counties/cities that are facing similar development issues and pressures. The task force, whose meetings would be open to public review and input, would be seeking out alternative Best Practices for evaluation of their applicability and suitability for use here. The task force would make recommendations to the County Commissioners and Planning Board.

As example of potential alternative Best Practices, several neighboring government conduct two public hearing, one by the Planning Board and the other by the County Commissioners/City government just prior to their vote. Another neighboring government conducts a public information session by the Planning Board where the developer introduces their development and citizens and Planning Board can ask questions. After that, it is presented to the Planning Board for review, during which both the developer and citizens are allowed to provide input and the Planning Board and citizens ask questions. The Planning Board then makes a recommendation and an "official" public hearing is held by the governing body, after which they hold meeting[s] to deliberate and vote. These are two of possibly several alternative review processes that would address many of the problems addressed above.

Many town and counties provide their professional staff sufficient time to review the proposal and make a written professional analysis with recommendations prior to the project being review by the planning department or a public hearing held. Many also have county Technical Review Committees who review the development proposal and sign off on and/or provide written analysis and recommendations prior to the project going before a public hearing or planning board review. Several local governments have detailed timetables that will tell a developer and/or citizen that exact dates during the coming year when certain types of public hearings will be held, the timetable prior to that for submitting an application and review by the planning department and technical review committee, and the timetable following a public hearing for review of a project



request by the planning board and/or governing body. All of these types of alternative Best Practices address additional problems that are stated above.

**Conclusion:**

Such a task force study of a revision to our procedures should provide assistance to developers, citizens and County Departments alike and provide the Board of Commissioners with informed data and information upon which they can base their rational decisions.

November 21, 2005

TO: Chatham County Board of Commissioners

FROM: William Sommers, resident, Farrington Village,  
Member, Chatham County Water Advisory Committee

Subject: Public Hearing Regarding Planning Board's Recommendations on  
Conditional Zoning (Item 8) and 10/70 Provision (Item 9)

I appreciate this opportunity to give my views as you begin your review of the Planning Board's above noted recommendations. My remarks follow the order of the Agenda.

**1. Conditional Zoning (Item 8):** The best part of this amendment, at least from the view of transparency and public participation, is to initiate open public discussion of development proposals at the **beginning** of the zoning/planning approval process. Currently, the space for public input is constrained in both time and importance because it comes at the very end of the approval process when most of the details have already been agreed upon.

However, other aspects of the conditional zoning proposal imply a less defined and more loosely construed application of planning and zoning principles to development submissions which will reduce significantly the necessary protection of the public interest and will be damaging to the planned growth of the County. One example, but not the only one, is the elimination of the approval standards, i.e. the five findings requirement.

**A better and simplified way to approach this proposal is to amend the current zoning ordinance by providing guidelines and direction for open public discussion of development proposals at the beginning of the approval process while leaving intact the remainder of the current zoning ordinance.**

In this way the zoning/planning process will be more transparent and encouraging to public participation while at the same time preserving those elements in the current zoning ordinance that are needed to protect the public interest and provide direction for the planned growth of Chatham County.

It should also be noted that most responsible developers are amenable to initial discussions with residents who may be impacted by a particular development and are, in general, willing to receive input from the whole of the community at this stage in the approval process. We should direct our efforts toward this end so that both the developers – and the general public – are able to share their concerns at the **beginning** of the process where they can exchange commentary for and against. This is where agreed upon changes can be effected without the risk involved in costly revisions as would be true if substantial changes are recommended toward the conclusion of the approval process. By relegating real public participation to the end of the process – as is now the

case - heightens incipient disagreements, making for an unhealthy, sometimes rancorous, decision-making process.

I respectfully urge your deliberate consideration of my suggestion.

## **2. 10/70 Amendments to the Watershed Protection Ordinance (Item 9)**

I have already submitted my comments on these amendments to the Chatham County Planning Board in my memorandum of August 2, 2005 which is attached to these current comments for your review. I would like to add two additional remarks to those I have already submitted.

**First, the practical results of the proposed 10/70 Amendments will be costly to Chatham County.** This is because the implementation of these amendments will of necessity increase storm water run-off in the areas where it will be applied. And the results of these increases – and the environmental damage that is likely to result - will have to be managed by Chatham County under the added requirements of Phase II of the EPA Storm Water Final Rule. As you are aware, this responsibility is in the process of being transferred from the DENR to the Chatham County Government which will, over time, have to commit funding and personnel to carrying out required inspections and enforce remediation of excessive storm water run-off. One of the most important of the six program areas in the Phase II program is the detection of illicit discharge and elimination. The more the County acts to increase storm water run-off, the more it will eventually have to pay to inspect, detect and eliminate uncontrolled discharges.

With the County budget already constrained to solve a host of capital development problems and to provide additional personnel for many critical and understaffed departments, why should the Board be called upon to enact an amendment that will only add to its budget woes when there is - as in this case - no clear and demonstrated need to do so?

**Second, Chatham County, like many of its counterparts, does not have an overall storm drainage master plan, including a storm sewer system map, a control ordinance and the development of an illicit discharge and detection/elimination plan.** Under the Phase II implementation, the County will, eventually, be required to produce such a plan, an activity that will be detailed, difficult and costly. But most importantly how can the County decide on the value of these 10/70 Amendments when it cannot assess the practical outcome of the results and does not now possess even an outline of a storm-water master plan? There is, so far as I can determine from the material presented, no urgent necessity for this amendment.

**In view of the potential costs and in the absence of an outlined storm-water master plan, not even considering the eventual development of a full-scaled plan, I respectfully request that the Board put this amendment aside until a more detailed assessment of future costs, including its relation to the barest outline of a storm water master plan, can be made to justify the adoption of the 10/70 rule.**

I thank you for your patience in listening to my remarks.

August 2, 2005

TO: The Chatham County Planning Board

FROM: William Sommers, resident, Fearington Village; member  
Fearington Homeowners Board of Directors; member,  
Chatham County Water Advisory Committee

Subject: Your Review of the 10/70 Development Option of the Water  
Supply Watershed Protection Program

I appreciate this opportunity to provide my views as you begin deliberations on whether or not the 10/70 Development Option should become part of Chatham County's planning requirements. My remarks presented here do not necessarily involve the opinions of the two organizations noted above. At the same time the problems of water supply and watershed protection encountered by both organizations has, of course, had an impact on my thinking on this subject.

In what follows I have set out related concerns that deal with stormwater management and maintenance. I have also added remarks on some of the management requirements implicit when projects use the proposed 10/70 option.

**1. Stormwater Management and Maintenance:** Among a host of development concerns facing Chatham County, the effects of unregulated stormwater increased by the gross addition of impervious surfaces ranks among the most critical. This has been recognized by the Planning Board with adoption of **Attachment A: Stormwater Management and Maintenance Plan of the Compact Communities Guidelines** which applies currently only to Briar Chapel, which plan has not yet, to my knowledge, been submitted to public review. Nevertheless, these requirements are evidence of the Planning Board's commitment to the application of best practices to stormwater problems.

Concurrent with this recognition is the stark realization that Chatham County will soon have to grapple with the imposition of the **EPA STORM WATER PHASE II FINAL RULE**. The website of the N.C. Division of Water Quality has listed twenty eight counties which the EPA has identified as "Phase II Counties in NC." Chatham County is among those listed. I believe that discussions on the County's inclusion have already begun. The intention of Phase II regulation is explained in one of the EPA-DENR fact sheets where in polluted storm water runoff is countered by a program to reduce

"...the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events. Common pollutants include oil and grease from roadways, pesticides from lawns, sediment from construction sites, and carelessly discarded trash, such as cigarette butts, paper wrappers, and plastic bottles...the pollutants can impair waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies and interfering with the habitat for fish, other aquatic organisms, and wildlife. "

Phase II requires, among other things, that the affected counties, Chatham included, implement **Six Minimum Measures:** 1. public education and outreach, 2. public participation, 3. illicit discharge detection and elimination, 4. construction site runoff control, 5. post-construction runoff control, 6. pollution prevention. While all of these requirements need more careful analysis in organizing their application to Chatham County, the one that is directly related to your current consideration of the 10/70 Rule is **No. 6 – pollution prevention.**

In the face of these rules which may soon become part of Chatham County's stormwater management program is it prudent planning to adopt the 10/70 rule and thus confound the necessity for "pollution prevention measures?" I realize that the acreage affected by the adoption of the proposed 10/70 Rule is small in comparison to the currently available development acreage. However, by making it possible for one more camel to get his nose under the pollution prevention tent, the County, in my opinion, would be abetting the problem instead of formulating a solution.

If, for example, the 10/70 Rule were enacted and then applied to the UNC parking lot now under construction at the intersection of RT 15/501 and Old Lystra Road, the Planning Board would seem to reject its prior commitment as expressed in the Storm Management and Maintenance Plan of the Compact Community Guidelines. Should you walk through the parking lot site as I did a few days ago, you would find pavement, runoff surfaces and a stormwater sewer system that will eventually deliver runoff – with only a minimum of filtering – directly to Jordan Lake. You would also be frightened if not shocked by how quickly a tree filled, natural drainage and water filtering site has been changed into a concrete curbed, paved cover that is pointed directly at the heart of the Phase II Rule. To extend this environmental eyesore further by allowing UNC a "grandfathered" expansion under a 10/70 Rule would be both imprudent and unsound.

**2. 10/70 Rule and Development Requirements:** As I am sure you are aware, the development requirements specified for the implementation of the 10/70 Rules are both specific and detailed. They would require a substantial commitment of qualified Chatham County staff to shoulder the inspectional requirements. To underline their significance I have listed some of the major requirements below:

- Projects using the 10/70 rules must minimize built-upon surface area, directing stormwater runoff away from surface waters;
- Incorporate best management practices to minimize water quality impacts, i.e. storm water should not be captured and piped directly from impervious surface area to surface waters;
- Incorporate grass swales, adding engineered stormwater controls such as bio retention cells;
- Include engineered stormwater control devices, e.g. wet detention basins;
- The County must maintain accurate records re the 10/70 option, including project location, amount of BUA, summation of the granted and available 10/70 option acreage, etc.

This includes both Chatham County personnel and an overall periodic inspection of the

developer using the 10/70 option. Yet, as you well know, the current planning, inspectional and utility staff are hard pressed to keep up with the daily routine of a fast growing county; they are not currently staffed to undertake the inspections necessary to see that the rules are being followed. To my knowledge few, if any, consistent inspections on the installation and testing of basic utilities – water, sewer and stormwater – lines have been undertaken by hard pressed Chatham technical staff on the hundreds of miles of utility hardware already installed beneath the paved streets of most, if not all, of Chatham's large scale developments. To rely on the developers to do the proper work is to rely on a not-always fulfilled hope.

Moreover, most of the detailed drawing of many of the developmental infrastructure system are not readily available to technical inspection and repair crews. A case in point – in my own experience – is the map and location of stormwater lines in Fearington Village. Hoping to keep ahead of Phase II implementation, I asked the planner-engineer associated with Fearington Village if I could purchase a map of the stormwater lines currently in-place. I was told that these maps were stored in various locations and it would cost some \$3,000 to employ a clerk to put them all together. Apparently, that office has not yet switched to CAD design and CD discs! Even if I had paid the money to obtain the drawings, there was no assurance that the plans would indicate "as built" details and locations.

I mention this to underline the fact that each time the requirements are assigned, we may overlook the fact that someone has to inspect the installations, test the results, report on missed or incorrect installations and finally certify that the installation is approved for use. These requirements remain abstractions in both concept and planning unless they are carefully and consistently implemented through inspections, testing and constant reference to approved plans.

Thus the partial listing of the 10/70 requirements should give pause to the Planning Board on how these will be implemented and what is the parallel cost to the County in adding regular or contract personnel for their implementation. If the 10/70 option is passed without a specific commitment for careful, thorough inspection of the stormwater system, the requirements will remain as a negative abstraction which, in turn, will loosen the requirements – and the implementation of 10/70 – that should be in force to protect our environment.

**3. Recommendation:** Based on these comments I respectfully recommend that the Planning Board move deliberately in considering the adoption of the 10/70 Development Option and seek additional input from the public and from other technical sources before making a decision.

## ***Friends of the Rocky River (FORR)***

### **Position on the 10/70 Rule**

**The Friends of the Rocky River opposes use of the 10/70 rule unless the following conditions are met. This position applies to the Rocky River valley where the 10/70 rule already exists and to NE Chatham .**

(1) The rule must contain provisions that guarantee first class protection of the natural, social, aesthetic and economic environment of the County including especially our streams, rivers and lakes,

(2) First class enforcement capabilities must first be put in place including hefty fines for violation of 10/70 provisions.

(3) A broader land use policy has been developed that acknowledges the reality of climate change and related environmental problems and begins to prepare the county for the severe environmental, social and economic disruptions that most likely will be occurring throughout this century. In this regards a 10/70 rule must not used as a means of implementing outdated 20th century development and population growth concepts that have guided the rapid growth of Raleigh, Charlotte and Atlanta. In the 21<sup>st</sup> century these "Growth At Any Cost" concepts will end up costing Chatham County government and its citizens a lot more money than will 21<sup>st</sup> century concepts that emphasize high quality growth rather than rapid, large scale growth.

(4) Existing communities are given the ability to influence county decisions and thereby protect their existing socioeconomic values (e.g. the right to call for impartial economic and environmental studies financed but not conducted by developers).

(5) The county will not be forced to undertake costly environmental cleanup activities because the developers failed to meet their obligations. One such likelihood is the maintenance of stormwater retention facilities.

**Given the likelihood that the 21st century will be dealing with very unsettling climate change and related social issues including increases in terrorism, anything less than a first class 10/70 rule should be shelved.**

*Sonny Kessler*

### Conditional Zoning

Good Evening County Commissioners, County representatives and citizens of Chatham County. I'm Bill Tessein and I live at 758 The Preserve Trail.

Now come on people; you know as well as everyone, that the Conditional Zoning proposal Was brought forward by County Planning, fundamentally to keep citizens out of the mix, and to assure all land use changes and approvals are made under a cloak of invisibility.

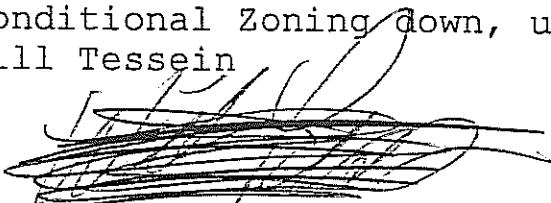
Why are you voiding, the current need of the developer to meet "five findings" that are now required in order to issue a Conditional Use Permit? Are they not there, to protect our quality of life? If so, passage of Conditional Zoning throws our quality of life out the window. Citizens will have no protection against Commissioners who have no plan, do not care about environmental consequences and do not worry about future tax increases. Why shouldn't the county require the testimony of experts and allow citizens to ask pertinent questions of the developer when their environment is at stake? Look at Conditional Zoning and tell us if it is in conflict with the county Land Development and Conservation Plan. It seems to be.

The idea of a county for the developer, of the developer and by the developer is showing through brightly. Land Use Decisions need quality control of content and quality assurance of intent. That is everyone's job. Your conditional zoning takes these rights away. I have trouble with a political body making land use decisions that affect me, at the request of developers, without those developers being required to prove beyond any doubt that their request will not be harmful to the environment that surrounds us all. I have trouble with the fact that a developer does not need to prove beyond expectations that their request is in harmony with the quality of life we now know. You are not a political body unto yourself, work with us. As it



exists, the Chatham County Land Use Decision Making Process seems a bit like entering the Land of Oz. Most decisions seem to come from the Great Oz himself pushing Chatham County residents aside. This proposed developers' Conditional Zoning will prohibit or make it practically impossible for the citizens of Chatham County to have any reasonable recourse when a decision on land use is made, even when it smacks of developer bias. Tell us, do you think the Conditional Zoning proposal has any developer bias? Political decisions are hard to overturn. The legal system presumes you vote in our best interest. Primarily, the courts do not like to get involved in politics making this Conditional Zoning proposal a smoking gun for the loss of citizens appeal rights. Instead of handcuffing the citizens with Conditional Zoning, why not improve the current conditional use permit process giving the public sufficient review time. Then obtain your impact studies and make any needed revisions to development proposals before you make a decision. Instead, allowing Conditional Zoning in a rural growing county such as Chatham County, will make unrestricted growth, rather than rural character, the county's identity.

This Commission needs to promote change that ensures' greater control by the voters; find ways to keep political land use decisions away from the people who believe representation means anarchism. Conditional Zoning and the rules of the Chatham County land use game need deep scrutinizing and most likely change, so that growth will be manageable. If you pass Conditional Zoning, it will be time to effect genuine change, change that make a political body that reflects the broad public interest. That is Democracy. Do not pass Conditional Zoning, put it in the garbage and move in the correct direction protecting our quality of life and the counties best interest. Turn Conditional Zoning down, unanimously. Thank You  
Bill Tessein

A handwritten signature in dark ink, appearing to read 'Bill Tessein', is written over a series of horizontal lines that have been scribbled out or crossed out.



November 21, 2005

Commissioners:

Re: The 10/70 Rule Watershed Amendment

Good evening. My name is Loyse Hurley and I am President of Chatham Citizens for Effective Communities (CCEC). I reside at 16 Matchwood in Pittsboro and I am providing you with additional views of CCEC on the proposal to modify the Watershed Ordinance for a 10/70 Rule in the WS-IV- PA section.

Basically this proposal would allow more dense development in this protected area of the watershed. What the proposal is calling for is that 10% of this section of the protected area of the watershed be allowed to be developed at up to 70% impervious surface. The ordinance is complicated, so I've got a map here to help explain it. This 70% impervious surface area of buildings, parking lots, streets, etc would be allowed in the ZONED portions only. The map shows both the unzoned portion in white along with the zoned portion in green. As you can see the area of the watershed we're talking about drains into Jordan Lake and parts of the Haw River, the source of drinking water for a large portion of the County.

Let's get into some specifics about the proposal.

First of all there's the question of exactly how much acreage would be allowed to be developed at this more dense level. Let's back off a moment from the wording of the ordinance and look at the overall picture. This entire area drains into the lake and river and includes what's already built, what's in the planning stages and what's contemplated by this proposal. Wording in an ordinance doesn't always reflect the actuality of a situation. The whole area drains into the water. The entire area is 134,380 acres, and 10% of that is 13,400 acres. This is the acreage the County is using to calculate available acreage for denser development. Now, the ordinance says this denser development would only be allowed in the ZONED section. According to our calculations, the zoned portion amounts to 78,451 acres. Obviously 10% of that is 7,845 acres not some 13,000 acres.

So the first question is why are we using the entire area as the basis for the calculations and not just the area that would be affected? There's about a 5,600 acreage difference. So the calculation of acreage should be based on the real picture in the zoned section and the zoned area acreage should be the figure used.

P.O. Box 236 Bynum, NC 27228

[www.chathamcitizens.org](http://www.chathamcitizens.org) 919.542.0382 [info@chathamcitizens.org](mailto:info@chathamcitizens.org)

Now let's look at the impact of this proposal on the lake and river. Remember the entire area drains into this water, be it current development, new development, pending development or a leaky crank case from a truck passing by. Water runs off from all these activities. Nature can't put an imaginary line and redirect the flow. From a real world perspective, all development affects the quality of the drinking water supply and the water itself. Currently, you have about 10,000 acres already developed or committed to development. Stormwater run off from this is or will be going - guess where? Into the water. These bodies of water have been declared by the state to be impaired right now. Two questions come to mind. Why isn't the existing acreage already committed to development, also subtracted from the available acreage calculation? You can't build on top of it. Perhaps more importantly, why are we trying to tamper with further deterioration of the water?

Our current requirement of 24 or 36 percent impervious surface is just fine. If a developer wants to build a large commercial center in the WS-IV-PA area why doesn't he acquire more acreage? It isn't as if it's not there. Chatham Crossing is an example, it's being built in accordance with our current rules and under the 36% impervious surface as is Chatham Downs. The current rule was put there for an extremely important reason - to protect our Jordan Lake water supply. It's our rule and we should stick to it. Especially when we're dealing with an already polluted body of water.

Remember, you have the authority to make this ordinance more restrictive than what the state recommends. You've already done so. Back when the ordinance was enacted, you choose not to use a 5/70 or 10/70 rule in the WS-IV-PA. This was deliberate, since you have allowed such a rule in the other sections of Chatham County watershed areas.

Now let's move onto other points that will have an adverse effect on the County.

This rule requires additional expenses for the County. Major ones.

First of all, you need to keep an inventory of the property that is used under the 10/70 Rule. Your County staff is over-burdened now. So properly you need additional staff. This adds to your administrative costs.

The proposal will require stormwater controls. Those controls need an annual inspection, where is the personnel to do this? Pumps fail, pipes break, retention ponds fail. What happens if those stormwater controls need repair and a homeowners association can't afford to fix them. It becomes the County's responsibility. Where is that funding? What about costs for any litigation associated with such failure?

It is likely that enacting this 10/70 Rule will result in the County having to spend considerable more money in reducing the nitrogen and phosphate levels in Jordan Lake. Fortunately, County costs will be comparatively less than other Counties, since we do not have a wastewater treatment plant discharging into the lake. What is the cost of this water quality monitoring? The cost of personnel to sample the water, the costs of the testing itself? Additional impervious surface will add to the nitrates and phosphates in the lake. Why add to the problem and have to

spend more money in clean up?

The County draws drinking water from Jordan Lake. There's a certain cost to treat this water before supplying County customers. The more you have to treat the water the more costly it gets. Run off from impervious surface contains tars, oils, hydrocarbons, grit, additional suspended solids. There's an additional cost to remove these contaminants from the drinking water.

Tonight, you have accepted funds to protect the Cape Fear Shiner Habitat. According to the literature attached to tonight's agenda, that little guy has a habitat in the Haw River and is affected by the contaminants I've just mentioned. Shouldn't you be consistent?

Dense development, especially large commercial development, creates additional traffic. Along with this traffic, there's smog and air pollution, additional pollution of our waterways and I won't even mention traffic jams and congestion. There are new roads that need building, with resultant run off from their hard surfaces. Remember all this drains into the lake and river.

Another problem associated with the 10/70 Rule is its impact on the agricultural operations in the County. There's an indirect impact from the eventual requirement to reduce the nitrogen and phosphate levels in Jordan Lake and the Haw River. There will be a limit on the load of these nutrients. Any land sources, including higher density development, will result in more nutrients getting into the lake and will have to be off-set by reductions elsewhere. This would impact agriculture.

Currently, the agricultural community is trying to develop a program to preserve acreage in the County. At recent work sessions you were supportive of this idea. Automatically, with enactment of this rule, any incentive for a developer to purchase rural land as part of a conservation easement is eliminated. Furthermore, the 10/70 Rule does not provide for the setting aside of any land in the same watershed area to preserve open space.

Briefly, let's look at the property right issue. Will the enactment of this rule adversely affect someone's property rights? It's planned to be used on a "first come, first served" basis. Are we treating the property owners fairly? If an owner doesn't sell off his property during the use of the acreage allocation, is he penalized because he held onto his property and now, wouldn't get a fair price for it? Does his rural property value go down because he is now located next to a large commercial enterprise, with the resultant traffic increase, the loss of view shed, increased crime and noise? Have these factors been considered?

Commissioners, this is not the time to enact this rule for this area of the watershed. Stay with your current requirements. Focus instead on implementing the Land Use Plan. If you desire large scale development and there is a developer that wants to come, he will meet your current requirements. Do not accommodate that developer by lowering your standards - by polluting the water - by spending additional tax-payer money - by incurring additional costs and by penalizing out farmers and our citizens. This is not the way to go.

Thank you,

Greetings Commissioners and Planning Board members. My name as most of you already know is Rich Hayes and I live at 612 Oak Island Drive. I'm speaking to you tonight as a citizen of Chatham County who is deeply concerned about water quality.

I'm going to read to you a brief statement and a few suggestions for improving the ordinance, and then would be happy to answer any questions you may have.

The proposal brought before you tonight is one that I cannot support. While it is purported to help eliminate sprawl, it is my belief that it could encourage it. The 10/70 provision in its current form allows it to be used anywhere, for any type of development, as long as it lies within the zoned portion of the WS-IV watershed. Thus we could see it used to build apartment complexes near the Jordan Lake critical area, or strip mall development in previously rural areas. In fact there is nothing in the proposed changes in the ordinance that discourages sprawl.

The 10/70 provision as currently written, will end up further degrading our drinking water supply. Studies have conclusively shown that as the amount of impervious surface in a watershed increases, water quality decreases. It is also an accepted fact that as water quality decreases, the cost of drinking water treatment increases. This increased cost of treating our drinking water is in fact a hidden tax on the citizens of the county who will be asked to pay it every time they turn on their tap for a glass of water.

An argument might be made that development subject to the 10/70 rule is subject to engineered stormwater controls. However, while these controls do help mitigate the effects of large amount of impervious surface, they do not eliminate all pollutants. In fact, performance standards of stormwater control structures in full compliance with current State law still allow 15% of all total suspended solids to pass directly through the system and into our streams. With all of Jordan Lake about to be reclassified as impaired, now is not the time to decrease water quality protections.

While I urge you all to reject the 10/70 provision, I would also like to offer a few suggestions on how it could be improved. First of all, I strongly urge you to adopt standards that are stricter than the State mandated minimum. State water quality rules can be much like the building code. They are the least you can do and still comply with the law. Anyone familiar with building homes knows, that to build to the minimum allowed in the building code, is to end up with a house that will be experiencing many problems down the road. The State encourages local governments to adopt stricter performance standards, especially in water supply watersheds. With Jordan Lake increasingly threatened, stronger standards only make sense.

I recommend the following provisions be added to Section 312 Stormwater Control Structures:

1. Prohibit the storage and retail display of products harmful to water quality in parking lots and outdoor retail areas that are not protected from rainfall by a rooftop. This would include products such as fertilizer, pesticides, herbicides, lawn chemicals, and automotive products.

2. Require that a minimum of 25% of outdoor areas such as parking lots, sidewalks, and roadways be constructed of pervious material, such as pervious concrete or pervious concrete pavers.
3. Require a minimum 50-foot vegetated buffer be applied to all intermittent streams in addition to the 100-foot buffer for perennial streams that is already required. Stormwater control structures should not be permitted within this buffer.
4. A pollutant management plan should be included as a part of the operation and management plan. The pollutant management plan should include a list of constituents of concern. Constituents of concern would include things like heavy metals, volatile organic compounds, oil and grease, total suspended solids, nutrients, and fecal coliform. The pollutant management plan should address each of the listed constituents of concern and show how the proposed stormwater controls will reduce their release into receiving waters.
5. Require baseline water quality testing for constituents of concern in all receiving waters prior to any site disturbance.
6. Require the testing of all receiving waters monthly for the constituents of concern at each point where runoff from the facility enters jurisdictional waters and report the results to both Chatham County and the North Carolina Division of Water Quality.
7. Require that the pollutant management plan be updated and additional controls be implemented if the testing reveals that the existing plan is inadequate to protect water quality.
8. Encourage the use of bioremediation cells, constructed wetlands, and other equivalent systems to remove constituents of concern.

One final recommendation I would like to make is for Chatham County to charge a Special Intensity Allocation Fee each time the 10/70 provision is used for non-governmental purposes. This fee should be devoted solely to the preservation of open space in the watershed in which it was collected. This is allowed under State rules and Granville County has been doing so for years. This fee if spent wisely would provide badly needed funds to buy up development rights in critical areas and help to retain open space for future generations.

Thank you for the opportunity to address you this evening.

Tom Vanderbeck  
Old Graham Rd.  
Chatham Co.

I am very concerned about the 10-70 rule, especially fearful that if it is approved it will seriously compromise the water quality in Jordan Lake and lead to ugly strip commercial development along 15/501 and US64. For some reason when in doubt the current majority of our elected commissioners err on the side of the extreme, without regard to the risk to our quality of life and the likely increase in property taxes.

As sprawl development continues to envelop the triangle counties, all eyes fall upon Chatham with all its natural beauty, its rivers and streams, working farms and rolling landscapes. No wonder Chatham, with that small town feeling is the only remaining jewel of the region. Jordan Lake attracts nature and sporting enthusiasts from all over the country. Chatham and the surrounding region, however, are dependent on the Jordan Lake watershed for their survival....water, a very basic need. Notice the attention that water gets in these extreme drought times... I'm talking not only about quantity but quality. Some science folk even say that these weather patterns may become more frequent with rampant global warming. Nature has provided us with an ecosystem that collects, filters and helps to purify our water. The current watershed protection rules, as well as our much ignored land use plan was enacted to safeguard and preserve this primary resource. According to the E.P.A. even our current allowable impervious surface limit is already over double the amount that will degrade our watershed. Tonight's proposed amendment should have been stopped by an engaged and thoughtful planning board; nonetheless, we're here tonight in a public hearing to appeal to common sense and ask you to put an end to this non-sense. Until we have an acceptable commercial corridor ordinance, something that the powers that be have dragged their feet on, we need to confine development to the parameters of our existing ordinance.

What attracts people to Chatham? People are fleeing all parts of the country and arriving at our doorsteps for several reasons:

- ...to avoid traffic and its attendant pollution.
- ...to be a part of a nature-scape that is highly endangered.
- ...to live in a mall-less community and shop where you might even be called by name.

Maybe a 10-70 amendment would need to factor in all existing impervious footprints and by intention apply only to gov't and school buildings or maybe just a 5-70 with the developer trading off the acreage above the 24-36% currently allowable for non developable land within the area.

Whatever the answer is requires thoughtful planning. The county is in the driver's seat and you as our representatives should protect our most valuable resources. Commissioners...stop this proposal tonight and interject some common sense and while you're at it schedule time this year for a commercial corridor plan. Thank you.

Jeffrey Starkweather – Speech on 10/70 Proposal  
Public Hearing November 21, County Commissioners

My name is Jeffrey Starkweather, I live at 590 Old Goldston Rd, Pittsboro.

While I'm here to speak in opposition of this ill-timed ill-conceived proposal, I am, really also speaking on behalf of many things. that I believe most citizens of this county want:

For example, we are in favor of \_\_\_\_\_, and  
against \_\_\_\_\_

- |   |   |   |
|---|---|---|
| + | planned growth  | - unplanned growth  |
| + | smart growth  | - sprawl growth   |
| + | designated economic development centers with defined boundaries | - strip commercial development, no defined boundaries                 |
| + | preserving our rural character and environmental assets         | - paving over our rural landscape and risking our environmental assts |
| + | Decisions on developments based on a comprehensive plan and map | - ad-hoc decision-making driven by developer's requests               |

I believe that the vast majority of Chatham citizens share these views and that we have a common goal for the future of Chatham County.

After many years of citizen input, including from officials from all of our towns, the County Commissioners, unanimously approved the land use plan in November 2001 – and this land use plan -- clearly is in line with what I just said about what we are for and against. Carl Outz was the only commissioner who remains from that board. But, as I recall, only one current commissioner has ever spoken out in opposition to implementing this land use plan, which is now your land use plan and our land use plan.

During the 2004 election, commissioners Mike Cross and Patrick Barnes won overwhelming victories, in large part, on their promise to implement our land use plan.

Every candidate for office in the recent Pittsboro election spoke in favor of planned growth that would be consistent with our county land use plan.

Yet, despite this, the land use plan sits gathering dust.



I will hand up to you the executive summary of that plan, which includes 28 major recommendations. Most of these recommendations have been ignored; some have been specifically repudiated by your actions. For example, by approving the Homestead development in the critical watershed area of Jordan Lake you ignored the land use plan recommendation to retain 5-acre lot sizes in areas designated to protect our watershed.

You also ignored the request of some 1,500 petitioners to turn down the Chatham Downs shopping center while CCEC pressed for development of a highway corridor that would be consistent with the land use plan. A reasonable request, which you again ignored.

Instead of heeding our wise land use plan, you are now considering a wholly new proposal, the 10/70 rule, on behalf of unknown and unspecified special interests, which would decimate our watershed protections around Jordan Lake.

Now the proposed 10/70 rule, under the right circumstances, could be designed as a tool to prevent sprawl. But a tool is not a guide. It is like a gun. Under certain circumstances it can ensure public safety. Under the wrong circumstances it will destroy life.

This 10/70 proposal, as drafted, is the wrong tool at the wrong time. It will lead to further sprawl and help destroy our rural character and quality of life.

Other speakers will be highlighting many of the areas of potential harm and risk associated with implementing this 10/70 proposal at this time. In my short time I will address my three main concerns:

1. Cost – Implementing this plan could have both a direct and indirect impact on raising our property taxes. It will require a significant increase in planning and stormwater review and monitoring staff. Each development will require a stormwater protection system that will have to be reviewed and approved by county staff and then monitored to make sure it works. Planning staff will be required to keep track of impervious surfaces amounts. If Big Box stores are allowed, there will be a significant increase in law enforcement costs.
2. Environment – It doesn't take a rocket scientist to understand that allowing additional parking lots, shopping centers, traffic, roads and other built-over areas in our watershed will be a risk to our environment, the air we breathe and the water we drink. Rainwater runs off paved surface as much as 10 times as fast as unpaved surfaces.

This can result in greater peak flows into streams and rivers resulting in increased turbidity, pollutant loads and bank erosion. Increased development and impervious

surfaces also results in increased soil erosion and when that sediment flows in streams, as it did in a dramatic and tragic amount from Chapel Ridge, it further pollutes streams and kills aquatic life. This water pollution from urban runoff includes chemicals, sediments, disease causing organisms and heat. Ultimately, our water quality in Jordan Lake is at risk from going from deteriorated to undrinkable due to high concentrations of suspended solids, phosphorous, nitrogen, fecal coli form bacteria and an insufficient amount of dissolved oxygen can come from increased impervious surfaces in the watershed.

Drought → <sup>a slower</sup> lower rivers & streams —  
more at risk from stormwater runoff —

3. Farm preservation – As I understand it, farsighted members of our farm community have expressed a desire to support agricultural conservation easements to protect and preserve farmland from destructive sprawl development. I also understand there has been a suggestion that we look into a Transfer of Development Rights program as one alternative funding approach. I applaud this initiative. In fact, it was one of the provisions in the Chatham Coalition's platforms in the 2004 election.

There are two principle ways to fund farm conservation easements, but both of them could be precluded by approving this 10/70 proposal at this time.

We need to develop the Farm Land Conservation Program before we enact the 10/70 provision. If a farm land conservation program was developed first, then a developer would only be able to use 10/70 in economic centers or other urban boundaries as designed by the land use plan.

But if we enact 10/70 before farm land conservation, then we may not have the latitude to provide conservation easements when they are needed.

This latter concern takes me back to where I started – follow the land use plan you developed for the common good, before enacting special new provisions, such as 10/70, for a narrow group of outside special interests.

Our land use plan specifically recommended developing a farmland preservation program, including Transfer of Development Rights. Why isn't that being given priority over the sprawl lobby's financial interest?

Our land use plan also makes recommendations for well-planned economic centers, which I have attached to my speech that I will hand up. I ask you to read it because it emphasizes planned, smart growth.

It calls for 8 economic centers to be designated on a map with clearly defined boundaries.

It calls for the development of a "design manual" which would establish boundaries, appropriate uses and any performance or design criteria for each center.

Just as important, it specifically discourages – “strip commercial development along major highways and in environmentally sensitive areas.”

Yet, that is exactly what 10/70 will make possible. This proposal is not planning; it is facilitating the ad hoc accommodation of outside development interests.

If you want to prevent sprawl, you would insist on two things: use the implementation option calling for 10/70 to be used only in specific suitable area such as economic center. Instead, our planner is recommending the first come, first served implementation option, which will allow use of the 10/70 rule anywhere in the watershed. That is a recipe for further sprawl and pollution.

Which brings me to my final inquiry. Is the county land use plan still in effect? Do you ever plan to implement it? If so when, and how?

Clearly, approving the 10/70 proposal at this time would be a repudiation of your own land use plan. I am asking you to reject this proposal and show citizens that the land use plan is still in effect.

If you have decided to throw out the land use plan, then it's time to let the citizens and taxpayers of this county know that.

The quality of life of every resident of this county is at stake with your decision here.



## SIERRA CLUB NORTH CAROLINA CHAPTER

112 South Blount Street  
Raleigh, NC 27601-1444  
[www.sierraclub-nc.org](http://www.sierraclub-nc.org)

I'm Judith Ferster, 228 Carolina Meadows Villa, chair of the Conservation Committee of the Orange Chatham Group of the Sierra Club. As Conservation chair I am also a member of the Executive Committee, which has approved this statement for the whole Group. Many of the Group's members live in Chatham County. Some of them are here tonight.

We appreciate the care with which the proposed 10/70 ordinance meets state requirements for handling storm water, trying to prevent or slow run-off from the impervious surfaces that it would allow. If the county wanted to apply 10/70 now, it could also ask builders to pay fees with which to purchase extra land to compensate for the additional development allowed in some areas, as Granville County currently does.

(*Streamlines*, Vol. 6.1,

<http://72.14.207.104/search?q=cache:qBAuOCdisVAJ:h2o.enr.state.nc.us/wswp/SL/v6i1/+granville+county+10/70&hl=en>)

But even with such safeguards, we don't think that this is the right time to invite more pavement and roofing into Watershed IV-PA, or Protected Area. It is now clear that Jordan Lake, into which this watershed drains and from which we drink, is impaired by excess nutrients—too much nitrogen and too much phosphorus, leading to too much algae and too many fish kills. As mandated by the EPA, the Environmental Management Commission of North Carolina is drafting new rules to reduce the nutrient load of the lake. Debates and negotiations will ensue before the rules are finalized and implemented. According to the current calendar, the draft won't be released until January and the public comment period will last until April. The EMC couldn't finalize new rules until at least September. And the soonest the General Assembly could approve them is early 2007.

Surely, it is not the right time to open this sensitive part of the watershed to more hard surfaces. There are plans for many new residential developments that will all fertilize their lawns and golf courses and spray their treated wastewater on open fields, contributing to the nutrients flowing toward Jordan Lake. Wastewater treatment plants are responsible for some of the nutrients and will probably have to be retrofitted. But 68% of the nitrogen and 84% of the phosphorus come from sources that can't be so easily identified—runoff from land that hasn't absorbed the water, including impervious surfaces. ("Jordan Lake Nonpoint Source Pollution Management Strategy," Tetra Tech Division, NC). Before decreasing the protection of Protected Area IV by invoking 10/70,

it is better to wait until we learn what will be necessary to repair our degraded source of drinking water.

There is, however, plenty to do in the meantime. Architects can make buildings environmentally friendlier by using recycled materials, by using lighting that responds to changes in daylight to save energy, by integrating solar heating into the structure, and by creating plumbing systems that save and reuse water. These technologies exist and can save money as they protect the environment. As a recent *New York Times* article by Jon Gertner shows ("Chasing Ground," 10/16/05), the Compact Communities Ordinance puts our county ahead of many jurisdictions by encouraging walkable mixed-use developments. We should extend that initiative and encourage the use of the methods that save energy and water to produce true sustainability in the whole county, but especially in this crucial part of an endangered watershed. The Orange Chatham Group of the Sierra Club would enthusiastically support this effort. It's a better path than premature consideration of 10/70.



## **E-mail letter to Tim Cunnup, Mayor of Goldston**

**From:** Jeffrey Starkweather

**Sent:** Sunday, November 13, 2005 5:45 PM

**Subject:** American molding sewer line proposal

Tim: Thanks for coming directly to me to raise your concerns about views of the Coalition concerning the Goldston sewer issue. I am certainly willing to discuss this with you in person or over the telephone. I believe we all need to be talking to each other directly about such issues so that each us involved in speaking on public issues in the county is aware of how others may perceive those issues. As an attorney and former newspaper editor, I understand there are not only two sides to every issue, but usually multiple perspectives, depending on where you sit. But before we talk, let me lay out where I come from concerning extension of sewer services in your area, and then I will give you some of my specific concerns about the American Molding proposal, based on what I know about the situation, which I am sure, is less than you know.

The Chatham Coalition has not taken a position on this specific issue. One of our steering committee members, John Hammond, has, speaking for himself, raised questions about the economics and fiscal implications of the American Molding/sewer line extension project. Some of John's background for this has come from an economic development graduate course is taking at UNC-Chapel Hill. He has not spoken on behalf of the Coalition, nor has the Coalition even addressed this issue.

Let me explain what the Coalition is about and how I see its role in county policy and policies. The Coalition was formed in February 2004 from representatives a number of citizens groups in the county that had been unsuccessfully lobbying county leaders for smart or planned growth, open government, and 21st century economic development principles. Specifically, we were requesting that our county leaders follow and implement the county's land use and development plan that unanimously approved by the county commissioner in November 2001 following several years of citizens and local government input, including those from the Goldston/Gulf area of the county. Of course, after it was passed and the original version of Briar Chapel was voted down, Newland Companies hired a California PR firm to overturn that decision and they other outsider development and real estate interests backed Bunkey Morgan's campaign in 2002, when he essentially ran on a platform of opposition to carrying out the land use plan as written. While he has clearly broke his campaign promise that opening the floodgates to residential development in the east would lower taxes and fees across the county [county taxes are going up, impact fees have been increased dramatically, and both would have gone up substantially more if Morgan had not been able to get away with hiding the cost of his policies by postponing paying for already needed infrastructure through a bond referendum he plans to put forward after his 2005 re-election campaign], he has certainly lived up to his

promise to ignore the land use plan. [NOTE: The postponed infrastructure bill only included what it required for already built residential communities, it doesn't include the cost of providing infrastructure for some 11,500 residential developments already approved by this majority on the board but not already built. Also, Morgan was the only dissenting vote for the real estate transfer tax proposed by Mike Cross and Patrick Barnes that would have provided a fair and equitable way to raise all the funds we needed for this infrastructure while at the same time keeping down taxes and eliminating impact fees]. [See attached What's At Stake article concerning the costs of residential development in the county]

Specifically, the Coalition was formed so that our 2004 election campaigns in the county would serve as referendum on issues and not continue to be based primarily on personalities, character assassination, resumes, rumor spreading, family connections, etc. It was our belief that if county officials ran on issues, when elected, those officials would be generally accountable to the majority of voters who supported them, based on those issues. We went to a number of citizen groups, including Chatham Citizens for Effective Communities [which I am a board member], Southeast Chatham Citizens Advisory Council [Moncure area], Chatham County United [Apex/Cary area of Chatham], Haw River Assembly, Friends of the Rocky River] and other communities seeking issues they supported. Based on that feedback we developed our issues statements [see [www.chathamcoalition.org](http://www.chathamcoalition.org)] and develop a candidates' questionnaire to allow each candidate to provide their views and proposed policies on these issues. We then endorsed the candidates whose views were the closest to those of our issues platforms. In 2004 commissioners' race, the candidates we endorsed were Mike Cross and Patrick Barnes.

One proposal of the Coalition was that the county should develop citizen advisory councils across the county [it's very large, as you are certainly away down in Goldston] to give commissioners citizen feedback and ideas on issues that affect their communities. Realizing that this would not likely happen until there was a change in the majority of the board, the Coalition hoped to expand the Coalition to communities across all part of the county through listening parties and other similar techniques,. We are currently in the process of doing this as I write.

Since the election, we have tried to make citizens aware of how commissioners are responding to those issues that the majority of the citizens supported in 2004. Mostly, however, active members of the Coalition work through their separate advocacy organization in lobbying about these issues before the county commissioners.

In general, the Coalition, like these organizations, and most responsible government, non-profit and even the National Board of Realtors, support the tenants for smart or planned growth, not simply to protect our natural resources,



air and water quality and quality of life in general, but also because it is a fiscally conservative approach to development, as opposed to the sprawl-like developments that Mr. Morgan, the majority of the commissioners, and their supporters have been continually approving. Under smart growth, the emphasis is on development in existing communities and mixed use walkable new communities or neighborhoods where infrastructure and other public service costs borne by taxpayers are substantially reduced

I am a member of the North Carolina Smart Growth Alliance, whose principles have pretty much become the standard, acceptable and responsible form of growth in the United States. Taken directly from President George W. Bush's EPA, those principles include: building neighborhoods that are close to shopping, work and school; building in existing communities, where roads, water and sewer lines, schools, police, fire and other public services already exist; preserving green space like forests, farmlands, trails, rivers, and waterways; designing walkable communities and retaining the unique character of our communities; providing transportation choices; making development decisions fair and cost effective; and for development decisions that a community makes, encouraging all residents to join in the process. You can get a comprehensive view of the principals and tools that are available to Chatham County that our county leaders are ignoring, by going to the attached site and reading or downloading the "Health Rural Communities: A Resource and Action Guide for North Carolina" from the NC Smart Growth Alliance at [http://www.ncsmartgrowth.org/pgm/hrci/or&a\\_guide/index.html](http://www.ncsmartgrowth.org/pgm/hrci/or&a_guide/index.html)

Now, the county utilized such citizen input in developing our land use plan, but we have not done that in the county with our economic development planning. Until protested by myself and others and upon the insistence of Patrick Barnes and Mike Cross, the county Economic Development Corporation operated in the secret, behind closed doors and failed to make the records public, a clear violation of the state open meetings and public record laws. The EDC hardly has been a body that is inclusive of all major geographic, professional and demographic elements of the county. It has failed to develop a comprehensive economic development plan for the county. There certainly has been not public input in the direction the EDC is taking.

The county held an economic development summit at the Governor's Club early in 2004 but there has been no follow-up. CCEC proposed and presented to the commissioners an idea for developing a citizens' task force to come up with comprehensive economic development plan for the county, it has been ignored by the board majority. {See attached Draft economic development visioning plan - taken from an article by an Economic Development expert with the North Carolina Institute of Government in Chapel Hill}. Instead of a real economic development plan that everyone has agreed upon and everyone is following, we primarily have been operating under a ad hoc Bunkey Morgan effort without his

ever articulating an overall vision or comprehensive plan on which he is directing economic development proposals.

I am reminded of Alice in Wonderland where Alice is walking down the trail and comes to a crossroads. Sitting in a tree at the center of the crossroads is the Cheshire Cat. Alice asks which road she should take. The Cheshire Cat asks Alice where she is going. Alice says she has no idea. The Cheshire Cat then responds; "Then, it doesn't matter."

We have available what Alice was missing - a land use plan that should guide our decision about which road we need to take to protect our quality of life and make development pay for itself. Under Morgan's leadership, implementation of that plan has been ignored and the plan's requirements continually violated. We also do not have a comprehensive economic development plan, even though we have paid the EDC hundreds of thousands of dollars over the eight years of existence. Instead, the only economic development plan we seemed to be operating under is the one I continually hear from Morgan's supporters - bring in residences, which will bring in retail and commercial development, which will bring in jobs, which will, in turn, balance of tax base and keep down taxes. Now, except for the fact that retail provides only low paying and mostly part-time jobs, this "plan" might appear, in theory, to be a great idea. But, that plan has failed to work everywhere in North Carolina and the United States, according to every survey of rural growth outside of Metropolitan areas I have read or reviewed. If Mr. Morgan has an alternative plan I am unaware of it.

So why don't we at least stick with the countywide land use plan that so many of our fellow citizens came together worked so hard to develop and was unanimously approved by the county commissioners. That plan calls for the Goldston-Gulf area to be one of eight potential economic development centers in the county. However, it specifically states that each center should "have its own set of allowable uses and development in the centers should be subject to performance standards for environmental factors and to design criteria related to buildings, landscaping, circulation and parking, services and storage and signs and lighting." This design manual should be incorporated into the county's zoning ordinance. Not unexpectedly, there has been no work on the "design manual," since the commissioners have been too busy letting outside developers plan the county on a parcel-by-parcel basis.

The approved land use plan also states that economic development centers should provide: "precise boundaries, particularly in relation to existing parcel boundaries; specification of the range and variety of commercial enterprises which might be accommodated at each location"...etc.

Most importantly, this economic section of the land use plan states [page 36] the county should **"discourage commercial and industrial development in other**

**settings, especially as strip commercial development along major highways and in environmentally sensitive areas.**

Given these and other provisions of the land use plan and principals of smart and planned growth stated and referred to above, I have outlined below a few concerns I would like to raise and some tentative recommends I would like to suggest concerning the proposal for an extension of sewer to the American Molding plant outside Goldston? I am certainly open to learning more information about this proposal. My view may be altered by other information you and county officials can provide. Neither I, nor the Coalition, have made any form of public statement in opposition to or support of this proposal. I do not know that either I or the Coalition will. Still, here are some of my concerns:

1. I am all in favor of Goldston/Gulf developing and having sewer following the above-stated principals and plan, but I'm deeply concerned this area of the county has no commercial land use controls and its only significant residential control mechanism is the subdivision ordinance. If it is the intent to expand the use of this sewer line to other properties in this area, I believe there needs to be a specific Goldston/Gulf geographic area beyond which properties would not be able to tap onto the sewer [e.g. except possibly individual residences]. You really need some form of zoning. The people of your area, based on my conversations with a number of them, do not want more Sports Arenas or noxious uses located so that they lower the property value or the quality of life of their residential communities. Development should be concentrated in the Goldston-Gulf town area and, to do that properly, you need a detailed land use plan for the area and land use controls to carry out that plan [i.e. zoning]. Otherwise, county taxpayers may have to carry the burden of sprawl development between Sanford and Gulf, like we are doing with far flung residential developments in the east of the county. Goldston is a lovely town and could develop again in a vibrant economic center if its growth is properly planned and managed.

2. The county needs to be assured that this sewer line cannot be used to develop strip commercial development along US 421 between Sanford and Goldston/Gulf in direct violation of the land use plan. The sewer line coming in without such assurance opens the door to strip commercial along US 421. If residents want to change the land use plan to encourage strip commercial development along highway corridors, and then let us have a public hearing on that and hear what the people really want. Development of a highway corridor ordinances for 64, 421 and 15/501, called for in the land use land, has been requested continually by CCEC for more than two years and continues to be ignored by the majority on the board.

3. If we are going to give economic incentives for recruiting business it is certainly better to make it in the form of permanent infrastructure improvements than direct tax payments, as is involved with this proposal. However, we should be requiring such outside corporations to pay workers a "living wage" for a

certain period of time. The current requirement is that American Molding will employ workers at the county's average for manufacturing wages. I am not sure for what length these 75 jobs must be offered. The problem with that is that the County's average manufacturing wage is about \$250 per week below the state average and the lowest in the Triangle area. You may not be aware that Chatham is the one of the top five counties in the state in median family income, but in virtually every job category, including local government employees, the County's wages are below the state average. We should be only giving the people's money to companies that are going to raise wages in the county, not keep them at our abysmally low level. Thus, I believe that the company should be required to hire 75 worker at the state average manufacturing wage, not that of the county. And those jobs need to be guaranteed for at least five years.

4. We now have a bankrupt company that we are bargaining with and the state is requiring Chatham County to be the guarantor of the funds for the sewer line if that company defaults, as I understand it. I do not feel that taxpayer money should be guaranteeing an economic investment and windfall profit for a private land owner. When I had a small business [newspaper] and needed to borrow to expand our business and hire more employees, no public body guaranteed my loan. I had to put up our property to guarantee that bank loan for our economic development proposal, despite having provided the bank with a detailed marketing and fiscal analysis. I do not recall the county receiving such an analysis for this proposal. The land owner of this commercial property should be required to be the first fiscal guarantor for this loan, since that owner is directly benefiting from government. Otherwise, we are instituting a form of socialism for private land owners.

5. Finally, a question. What are the details of the proposed sewer line contact between Chatham and Sanford? How long is our contract for Sanford to provide use of this sewer capacity? What is the rate? Are the parties able to get out of the agreement prior to its normal expiration and on what basis? What happens is Sanford finds it needed for its own use the sewer capacity being sold to Chatham? All these questions should be answered for the public prior to approving such a sewer line extension.

Sorry for the long response, but I felt it might move our conversation along if you understood more about the Coalition and the perspective that I am coming from. I am totally supportive of getting infrastructure to Goldston to allow it to attract employment and commercial development, as long as it is consistent with county's land use plan and with the principals of smart and planned growth that I stated above and those of the NC Smart Growth Alliance.

I look forward to hearing from and/talking to you more about this issue soon. Thanks again for you inquiry and brining your concerns to my attention. Jeffrey

Commissioners,

First let me Thank you for taking the time to hear comments from the citizens of Chatham County. I must say that the announcement of this public hearing left me scrambling to due my homework on the proposed 10/70 rule and I have now learned more than I ever wanted to know about the zoning that was enacted by the EMC in 1992.

As with any subject, the presently proposed 10/70 rule can be addressed from various angles. Over the last week I have struggled and weighed the pros and cons of the rezoning and what it would mean for Chatham county, as well as the towns, and citizens that reside within its borders.

In any County the source of pride for the residents and for you, commissioners should be the towns which are located within the county boundaries.

When someone mentions the name of a county most people think of a town or city within that county as a representation of its character. When someone says Orange County, most people think of Chapel Hill, Durham County - Durham City, Wake County - Raleigh or Cary. Most people base their choices of whether to shop, to move, or to work in a County on their perception of the towns located there.

We are lucky in this County. We have rural beauty - farms, forest, and a diverse culture. We also have an opportunity on shaping our future because we can see the mistakes that our neighboring counties have made and **CHOOSE** not to repeat them. Can anyone deny that when the town of Cary is mentioned that you do not think of a thriving historic district, a unique place to shop, or of a place where you want to spend part of your weekend, but of a cluster of roads that equate to a traffic nightmare and the strip malls that line their major road ways? And when you reflect on where you live, are you thankful that we do yet not have some of these problems here? On the other hand, we are nonetheless envious of those who live there because of the amenities their tax base provides and the many stores and restaurants to choose from without driving 40 minutes.

The question then becomes how do we manage the growth that is at our doorstep to allow for shopping convenience and higher tax revenue without also acquiring the traffic headaches and destroying the history and natural beauty that presently defines our County.

Through my previously mentioned research, I believe I have found the answer to all the questions, which I debated.

Most of our towns have already chosen a High Density Management plan for which to encourage urban growth of business and development. Many of our towns have industrial parks in which large companies can locate to provide jobs. And some towns such as Siler City, have mass amounts of space for retail shops as well as industry in a deteriorating downtown area. **Why** would the county choose to rob our towns of much needed business and industry while destroying our beauty by encouraging development along our wooded roads, our lakes, or rezoning so a corporation can fix itself next to a residential community, before pointing the growth to the towns?

The growth is here, the opportunities are coming, and each business will choose the most economically feasible choice. If it is cheaper and easier to plow over the existing landscape and start from scratch, they will. If it is cheaper to locate within the towns boundaries they will. It is up to you, our elected commissioners, to make the choice for them easy.

Do not allow the change in our zoning to the 10/70 rule. Then locating within a town's limits will be the easier choice. We are lucky; the businesses WANT to be here. It is OUR choice where they locate.

Do not rob our towns of revenue by encouraging massive growth outside of the town's boundaries where they will suffer all the traffic issues and reap none of the tax revenue.

Our towns will be what define Chatham County. Do we really want people thinking of Siler City's deteriorating downtown and empty factories or Pittsboro's water and sewer issues whenever our County is mentioned? Or do we want to learn from the mistakes of other localities and make smart decisions to the future of our County?

This is not a growth verses no growth decision. The growth is here and will keep coming. The businesses, builders, and industries want to be here and it is your job to point them in the direction of our towns.

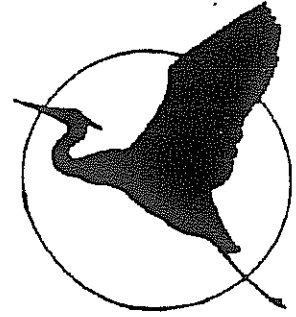
Vote not to change our present zoning plan. The change would only encourage growth in one area of our county while hurting other already needy areas. Balance is where we need to focus in order to be different and prosperous.

*Thank you  
For taking the  
time to read this.  
Christin Boyce  
Pittsboro, NC*

# *Haw River Assembly*

*P.O. Box 187 Bynum, NC 27228*

*(919) 542-5790 [hra@emji.net](mailto:hra@emji.net)*



November 21, 2005

TO: Chatham County Board of Commissioners  
Chatham County Planning Board

RE: 10/70 Rule Proposal

The Haw River Assembly believes it would be detrimental to water quality in Jordan Lake and the Haw River to allow use of the 10/70 "built-upon" option for this watershed. Allowing 70% impervious surface area for 10% of properties would increase polluted runoff into nearby streams. Research has shown repeatedly that greater than 10% impervious surfaces degrade receiving streams. Our current limit of 36% density is already far higher than that. This rule would allow 13,438 acres to be developed at 70%. Why? Who would benefit from this arrangement? Not the citizens of Chatham County who need clean water. Not neighbors of these properties whose lives will be negatively affected. And not Chatham's already overextended and overstressed planning and enforcement staff and infrastructure.

This proposal comes at a time when Chatham County should be finding new ways to reduce polluted runoff from storm events. Jordan Lake has been listed by North Carolina as "impaired" by excessive algae growth due to nutrient pollution. There will soon be new rules passed by the state under EPA mandate to reduce this pollution from all sources – including residential, industrial and agricultural - in all the counties and cities that are part of this watershed. These are the same kind of rules that are in effect today on the Neuse and Tar-Pamlico rivers to reduce nutrient pollution in those watersheds.

In addition, the NC Rules Review Commission has finally approved (last week) the original EMC Phase II Stormwater regulations that include Chatham County as one of the rapidly "urbanizing" counties. There will be new requirements for best management of stormwater running off impervious surfaces to slow down its destructive impact on streams.

This is not the time to be adding new sources of pollution by increasing the percentage of impervious surfaces in this already troubled watershed. Our natural resources are too important to all of us –for drinking water, recreation, and a place where we want to live with our families. We urge you not to adopt the 10/70 option.

Thank you for your consideration of these comments.

A handwritten signature in black ink, appearing to read "Elaine Chiosso".

Elaine Chiosso

Executive Director

Chatham County Board of Commissioners

[Bunkey@BunkeyMorgan.com](mailto:Bunkey@BunkeyMorgan.com), [annatomemerson@earthlink.net](mailto:annatomemerson@earthlink.net), [patrickbarnes@bellsouth.net](mailto:patrickbarnes@bellsouth.net),

[duckdogcross@aol.com](mailto:duckdogcross@aol.com), [CarlHOUTz@aol.com](mailto:CarlHOUTz@aol.com)

Gentlemen:

We will be attending tonight's public hearing on the 10/70 Rule and Conditional Zoning. We will hand the microphone over to others who will present the facts in greater detail than we could given the time restraints. However, we do want you to impress upon you our concern.

Some of those speaking tonight will be citizens who are representing the majority in Chatham who know that voting in these changes will bring greater destruction to our drinking water (Jordan Lake and the Haw River) and contend that you must vote against the 10/70 and Conditional Zoning proposals. The EPA cautions Chatham not to continue polluting our drinking water sources by passing the 10/70 Rule. Chatham has already gone against what the NC State DENR suggested when this board passed Williams Pond development. The lawyer for Williams Pond presented the BOC and the county staff with "a different definition" of the watershed protection area and the BOC passed it even with the strong recommendation from the State NOT to vote for the project. Now is the time to stop yet another horrendous threat to our county by voting against the 10/70 Rule proposal.

The Conditional Zoning proposal is a bad idea, period. What true benefit would this bring to the citizens of Chatham? It would take away our right to speak on those things that will be in our back yards. We think that the board needs to stop favoring outside development interests over the citizens of Chatham. We urge you to vote against this proposal and vote for county wide land use ordinances like the lighting ordinance which has been in the BOC drawer long enough. Why bring in new harmful Zoning proposals when there are ones which will benefit the entire county – already prepared and waiting for your vote?

Listen to your fellow citizens, vote against the 10/70 Rule and Conditional Zoning and vote FOR the people of Chatham.

Sincerely,

Ken & Debbie Tunnell

282 Moore Mtn Rd

Pittsboro, NC 27312





November 21, 2005

Commissioners:

Re: The 10/70 Rule Watershed Amendment

Good evening. My name is Loyse Hurley and I am President of Chatham Citizens for Effective Communities (CCEC). I reside at 16 Matchwood in Pittsboro and I am providing you with additional views of CCEC on the proposal to modify the Watershed Ordinance for a 10/70 Rule in the WS-IV- PA section.

Basically this proposal would allow more dense development in this protected area of the watershed. What the proposal is calling for is that 10% of this section of the protected area of the watershed be allowed to be developed at up to 70% impervious surface. The ordinance is complicated, so I've got a map here to help explain it. This 70% impervious surface area of buildings, parking lots, streets, etc would be allowed in the ZONED portions only. The map shows both the unzoned portion in white along with the zoned portion in green. As you can see the area of the watershed we're talking about drains into Jordan Lake and parts of the Haw River, the source of drinking water for a large portion of the County.

Let's get into some specifics about the proposal.

First of all there's the question of exactly how much acreage would be allowed to be developed at this more dense level. Let's back off a moment from the wording of the ordinance and look at the overall picture. This entire area drains into the lake and river and includes what's already built, what's in the planning stages and what's contemplated by this proposal. Wording in an ordinance doesn't always reflect the actuality of a situation. The whole area drains into the water. The entire area is 134,380 acres, and 10% of that is 13,400 acres. This is the acreage the County is using to calculate available acreage for denser development. Now, the ordinance says this denser development would only be allowed in the ZONED section. According to our calculations, the zoned portion amounts to 78,451 acres. Obviously 10% of that is 7,845 acres not some 13,000 acres.

So the first question is why are we using the entire area as the basis for the calculations and not just the area that would be affected? There's about a 5,600 acreage difference. So the calculation of acreage should be based on the real picture in the zoned section and the zoned area acreage should be the figure used.

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Now let's look at the impact of this proposal on the lake and river. Remember the entire area drains into this water, be it current development, new development, pending development or a leaky crank case from a truck passing by. Water runs off from all these activities. Nature can't put an imaginary line and redirect the flow. From a real world perspective, all development affects the quality of the drinking water supply and the water itself. Currently, you have about 10,000 acres already developed or committed to development. Stormwater run off from this is or will be going - guess where? Into the water. These bodies of water have been declared by the state to be impaired right now. Two questions come to mind. Why isn't the existing acreage already committed to development, also subtracted from the available acreage calculation? You can't build on top of it. Perhaps more importantly, why are we trying to tamper with further deterioration of the water?

Our current requirement of 24 or 36 percent impervious surface is just fine. If a developer wants to build a large commercial center in the WS-IV-PA area why doesn't he acquire more acreage? It isn't as if it's not there. Chatham Crossing is an example, it's being built in accordance with our current rules and under the 36% impervious surface as is Chatham Downs. The current rule was put there for an extremely important reason - to protect our Jordan Lake water supply. It's our rule and we should stick to it. Especially when we're dealing with an already polluted body of water.

Remember, you have the authority to make this ordinance more restrictive than what the state recommends. You've already done so. Back when the ordinance was enacted, you choose not to use a 5/70 or 10/70 rule in the WS-IV-PA. This was deliberate, since you have allowed such a rule in the other sections of Chatham County watershed areas.

Now let's move onto other points that will have an adverse effect on the County.

This rule requires additional expenses for the County. Major ones.

First of all, you need to keep an inventory of the property that is used under the 10/70 Rule. Your County staff is over-burdened now. So properly you need additional staff. This adds to your administrative costs.

The proposal will require stormwater controls. Those controls need an annual inspection, where is the personnel to do this? Pumps fail, pipes break, retention ponds fail. What happens if those stormwater controls need repair and a homeowners association can't afford to fix them. It becomes the County's responsibility. Where is that funding? What about costs for any litigation associated with such failure?

It is likely that enacting this 10/70 Rule will result in the County having to spend considerable more money in reducing the nitrogen and phosphate levels in Jordan Lake. Fortunately, County costs will be comparatively less than other Counties, since we do not have a wastewater treatment plant discharging into the lake. What is the cost of this water quality monitoring? The cost of personnel to sample the water, the costs of the testing itself? Additional impervious surface will add to the nitrates and phosphates in the lake. Why add to the problem and have to

spend more money in clean up?

The County draws drinking water from Jordan Lake. There's a certain cost to treat this water before supplying County customers. The more you have to treat the water the more costly it gets. Run off from impervious surface contains tars, oils, hydrocarbons, grit, additional suspended solids. There's an additional cost to remove these contaminants from the drinking water.

Tonight, you have accepted funds to protect the Cape Fear Shiner Habitat. According to the literature attached to tonight's agenda, that little guy has a habitat in the Haw River and is affected by the contaminants I've just mentioned. Shouldn't you be consistent?

Dense development, especially large commercial development, creates additional traffic. Along with this traffic, there's smog and air pollution, additional pollution of our waterways and I won't even mention traffic jams and congestion. There are new roads that need building, with resultant run off from their hard surfaces. Remember all this drains into the lake and river.

Another problem associated with the 10/70 Rule is its impact on the agricultural operations in the County. There's an indirect impact from the eventual requirement to reduce the nitrogen and phosphate levels in Jordan Lake and the Haw River. There will be a limit on the load of these nutrients. Any land sources, including higher density development, will result in more nutrients getting into the lake and will have to be off-set by reductions elsewhere. This would impact agriculture.

Currently, the agricultural community is trying to develop a program to preserve acreage in the County. At recent work sessions you were supportive of this idea. Automatically, with enactment of this rule, any incentive for a developer to purchase rural land as part of a conservation easement is eliminated. Furthermore, the 10/70 Rule does not provide for the setting aside of any land in the same watershed area to preserve open space.

Briefly, let's look at the property right issue. Will the enactment of this rule adversely affect someone's property rights? It's planned to be used on a "first come, first served" basis. Are we treating the property owners fairly? If an owner doesn't sell off his property during the use of the acreage allocation, is he penalized because he held onto his property and now, wouldn't get a fair price for it? Does his rural property value go down because he is now located next to a large commercial enterprise, with the resultant traffic increase, the loss of view shed, increased crime and noise? Have these factors been considered?

Commissioners, this is not the time to enact this rule for this area of the watershed. Stay with your current requirements. Focus instead on implementing the Land Use Plan. If you desire large scale development and there is a developer that wants to come, he will meet your current requirements. Do not accommodate that developer by lowering your standards - by polluting the water - by spending additional tax-payer money - by incurring additional costs and by penalizing out farmers and our citizens. This is not the way to go.

Thank you,

**Economic Development Citizens' Advisory Committee**  
***A Proposal to use "Community Visioning" for Economic Development***

Below is a proposal for establishing a temporary economic development citizens' advisory committee reporting directly to the County Commissioners. The committee would be made up of a cross-section of the county, by demographic, geographic and employment/business status. Utilizing the "community vision and capacity" model recently outlined by the UNC School of Government [See *Institute of Government website: Popular Government*, Special Issue – Economic Development, Spring-Summer, 2004, "Using Community Vision and Capacity to Direct Economic Change" by Anita R. Brown-Graham and Susan Austin, <http://php.unc.edu/sogcart/singlebook.php?id=813>], and building upon our adopted Strategic Plan and Land Conservation and Use Plan, this committee would develop a proposed economic development action plan.

**Problem:**

- Chatham County does not have an economic development vision or action plan.
- Chatham in-county jobs pay below the state average in wages; yet we are ranked third in the state in per capita income primarily because nearly 60% of those who work must commute outside, eliminating the standard economic multiplier effect for jobs.
- Chatham is losing jobs, particularly manufacturing jobs, such as the 137 workers who will be losing their jobs as Charles Craft Inc. closes its Siler City plant. At last year economic development summit, a speaker from the Research Triangle Regional Partnership informed us that much of Chatham's manufacturing jobs are considered "old line" and most will be gone in ten years.
- Economic Development Corporation [EDC], formed in 1997, represents only a small segment of the county's citizens and economic development stakeholders and it has not demonstrated that it can bring good paying jobs to the county. Although it operates with county funds has not presented written economic development action plan to the county and has operated behind closed doors and without public input or scrutiny. [E.g. EDC claims it is not covered by the state's open meetings and public records law].
- While the county commissioners and citizens have spent most of the last several years working on contentious land use and residential issues citizens, economic development planning has been neglected. All citizens working together to bring good paying jobs to the county should be something that unites us all.
- Last March a large number of citizens and economic development stakeholders attended an economic development summit. There has been no follow-up to

obtain the input and support of those who attended the meeting, as well others interested in this issue, in developing an economic development plan.

- We are not effectively utilizing our most important asset – our citizens. For example, there many residents to the county who have considerable experience in economic development and business whose expertise and experience are not being tapped.
- The need for a change of direction in economic development was supported by vast majority of voters in July and November in all parts of the county.

**Objectives:**

- Bring all sectors of the community together for collaborative problem solving on a critical issue facing the county.
- Broad citizen and stakeholder involvement builds community support and capacity [“community capacity” – essentially all the assets of a community, including its people, businesses, civic organizations, etc, that can be used to solve a community problem].
- Formal assessment of our economic development assets and weakness.
- Stakeholder and citizen consensus on economic development values and objectives.
- Specific action plan that spells out long-term and short-term steps and outcomes.
- Evaluation and recommendation on best organizational structure[s] and cooperative arrangement to carry out those steps.
- Ongoing evaluation procedures so that citizens, stakeholders and commissioners can determine progress in achieving economic plan’s objectives and steps.

**Proposal:**

County commissioners, in conjunction with Goldston, Pittsboro, and Siler City, appoint a 21-member committee that would include a broad cross-section of the county – this could include representation from the EDC, Chamber of Commerce, small and large business, conventional and sustainable agriculture, non-profit community, citizen advocacy groups such as Chatham Citizens for Effective Communities, Friends of the Rocky River, Southeast Chatham Citizens Advisory Council, Chatham County United, citizens representing different professional and working backgrounds and citizens from all parts of the county. [i.e. 21 members is a suggested minimum, it may need to be larger to include representatives of all the above-listed groups.

An objective in picking people to this board would be to look for people who are open to hearing about new ideas and best practices use by other communities. Obviously, the committee should be made up primarily of “working” members. The large number of committee members is proposed to make sure that we include broad stakeholder and citizen involvement. The larger committee would be broken up into working sub-committees based on areas of interest or expertise.

As an initial step, the commissioners could appoint a temporary five member committee that would come up with a proposed list of members for the larger committee and possibly make recommendations for more of the details of this committee’s work and timetable.

#### **Committee resources and technical assistance:**

Clearly, Tony Tucker and the EDC would be a primary resource for what they have been attempting to do in the last seven years. The EDC staff could assist in staffing this committee. But, the committee can also rely on a large number of regional resources, area college business and public policy schools and faculty, UNC School of Government, Triangle J Council of Governments, Research Triangle Regional Partnership, Southern Rural Economic Center, Empowerment, etc.

We should not re-invent the wheel. First, we already have somewhat of a model in the process we went through in developing a Strategic Plan and Land Conservation and Use Plan. Also, attached is an article from two faculty members at the Institute of Government who specialize in community economic development, entitled “Using Community Vision and Capacity to Direct Economic Change.”

Hire on a contractual basis an area expert on conducting such economic development community visioning processes or someone who has similar group facilitation skills to assist in the committee in its deliberations.

Here are a few of the key decision-making steps the committee would need to complete to arrive at a viable economic development action plan for the county: 1) community profile [assets and liabilities] and value; 2) trends analysis; 3) vision statement – possible/preferred outcomes; 4) action plan – short and long term strategies; 5) implementation plan and evaluation benchmarks. [New Oregon Model from Institute of Government – see attached article].

We would anticipate that at each step the committee would present its recommendations to the county commissioners for review and approval. Once the commissioners have signed off on a particular step, the committee would feel confident that they could proceed with the next step without continued conflict over the previous step.

**Timeline:**      Approximately one year.

**Budget:**        \$35,000 to \$50,000, depending consultation fees required.

Dear County Commissioner, Planning Board and Planning Department,

I am writing you as a long time Chatham resident, a small business owner, a former planning board member and a current member of the CCEC board. I have been giving a great deal of thought lately to the 10/70 rule as it was a topic which came up at the very end of my time on the planning board. In considering this proposal within the larger context of Chatham County planning and development trends, I have arrived at several questions and conclusions. Questions about why the 10/70 is being proposed at this time and how it will be implemented. Conclusions that watershed protection is of foremost importance to the future of Chatham County but is nonetheless being subverted in favor of the profit margin of the developers.

When the Watershed Protection ordinance was approved it was with the objective of protecting our regional water resource that is Jordan Lake. While other parts of the watershed already has the 10/70 rule the WS IV – PA was intentionally left out of that rule. What has changed to make the safeguarding of our water resources less important? Why, when development is increasing at unprecedented rates, is relaxing our standards on water resource protection our best suggested method to reduce sprawl? If commercial development wants to locate in Chatham County, why not let them abide by our present standards? Both Chatham Downs and Chapel Ridge were able to see the potential for profitability in spite of being limited to 36% impervious.

The most cogent argument for the allowance of greater impervious surface is for public use development such as schools, fire and police facilities, recycling and waste management centers and hospitals. Why not adopt 5/70 with use restrictions? The first come first serve approach only benefits developers and in fact creates an inequity of land use privilege for those land owners who don't sell out before the 10% is used up. What if the 10% is used up and a hospital or school is needed but is unable to be built at 36% impervious?

The planning board spent a considerable amount of time and thought developing a stream buffer amendment to the Watershed Ordinance which they unanimously recommended for approval to the BOC in 2003. The BOC tabled this amendment and it has languished ever since even though it was a stated objective of a 2001 agreement Chatham entered into with Apex and Cary. It was however included in the award winning Compact Community Ordinance which allows 36% impervious.

Why are county officials now inclined to consider an amendment that would weaken rather than strengthen our watershed protection? Is there any chance that the BOC would consider approving the stream buffer amendment along with the 10/70 rule so as to mitigate harmful effects of such an increase of impervious surface? The EPA has determined that more than 10% impervious surface is detrimental to a watershed. Will greater storm water controls be mandated and monitoring of these controls implemented? Does the county have the appropriate and sufficient personnel to ensure that everything that can be done to protect our water resources is being done? The EPA has also determined that Jordan Lake is an impaired body of water. Is it wise then to adopt a provision that will in fact inevitably contribute to further impairment to this precious resource?

The often repeated assertion that 10/70 will reduce or control sprawl is not convincing. How will increased density and built upon area prevent sprawl without guidance as to where this type of development is allowed? There is at present no corresponding Commercial Corridor ordinance concentrating development into nodes as suggested in the Land use Plan. If long range planning is indeed the motivation for this proposal then why not take it further and actually provide the county with the tools to effectively control sprawl? As proposed, this dense type of development scattered throughout the watershed is by definition sprawl.

One of Chatham's assets has been what has become known as rural character. I once heard Mr. Emerson say that you can't have rural character without farms. I couldn't agree more. How will this proposal affect farmers? Will they find themselves having to change farming practice as a result of the inevitable stricter rules imposed to reduce nutrient loading in Jordan Lake?

The Land Use Plan calls for the active preservation of the county's farm lands. I know many Chatham farmers who believe strongly that highest and best use of their farmlands is for it to remain in farm use and

in their families. The idea that developers who would request 10/70 would be required to purchase the development rights of a willing farmer ideally within the same watershed is certainly worth exploring. It is clear to me that the need and desire is there on the part of farmers and the owners of timber lands in the county. 10/70 would be a boon to developers. Why not insure that it will also be a boon for the family farms in the county.

Lastly there is another languishing draft ordinance which should at this time be approved in order to protect the adjacent landowners of these 10/70 developments. That is the Lighting Ordinance. It has been used as a guideline successfully proving that it will not unduly burden development. It is time to assure the citizens of Chatham that the county government is watching out not only for the rights of developers and those selling land for development but also for the rights of those citizens who call Chatham County their home.

Many thanks for your consideration and your time.

Sincerely,

Caroline Siverson