

Before the Chatham County Board of Commissioners
Public Hearing Regarding Zoning of Certain Unzoned Roadways

September 25, 2007

Statement of John F. Graybeal
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Chair: Major Corridor Ordinance Task Force

The Major Corridor Ordinance Task Force ("MCOTF") was created by the Board of Commissioners ("BOC") in February of this year. Although I was given the challenging assignment to serve as chair of this large and opinionated group consisting of at least 18 members, I speak here tonight only to report that the Task Force did indeed recommend to the BOC that it undertake the zoning that is the subject of this hearing. I do not purport to speak for every member – or any other member -- of the Task Force. I have learned that these persons have their own strongly-held views on most subjects and you may hear from some of them tonight.

According to sections 3(c) and 4(c) of the Moratorium Ordinance, the Task Force was assigned several duties, including to --

- “[R]ecommend an ordinance that will insure sufficient traffic flow, protect the environment, and maintain the rural character of major thoroughfares;”
- “[M]ap designated economic nodes as recommended by the Land Use Plan;” and
- Develop "site design standards for commercial development in those centers.”

In order to accomplish at least a portion of these assigned duties, a majority of the Task Force at its meeting of April 11, 2007, voted to recommend that the BOC act to place under residential/agricultural zoning the unzoned portions of certain roadways lying outside the Pittsboro and Siler City ETJs. Five members of the Task Force voted against the zoning of Route 87, Old Graham Road and Mount Olive Church Road. The Task Force recommendation was presented to the BOC on April 16, 2007.

The assignment to the MCOTF, as outlined above, was based substantially on the policies articulated in the Land Conservation and Development Plan. These include preserving the "form and function" of rural character, guiding commercial development into the towns and the town ETJs, designating economic development centers in other locations for commerce and industry and "[d]iscourag[ing] commercial and industrial development in other settings, especially as strip commercial development and in sensitive resource areas."

In light of the policies of the Land Use Plan and the work assignment to the MCOTF, the reason for its recommendation for the residential/agricultural zoning of the major unzoned roadways is self-evident. Such zoning means that no commercial operation could be located in these areas without an application process involving the BOC and the Planning Board and the consent of those entities, which would presumably be accompanied with certain conditions applicable to any commercial operation. This process enables the BOC, as the ultimate deciding entity, to prevent the uncontrolled strip commercial development opposed by the Land Use Plan and to preserve the rural character, which the Land Use Plan seeks to protect.

Many other local governments across the country have taken similar steps to assure the viability of major corridors. For example, the Planning Department has referred us to materials showing the use of these and other measures by several counties and towns in Georgia. Closer to

home, the City and County of Durham apparently has a Major Transportation Corridor Overlay district that applies to property within 1250 feet of a designated thoroughfare and may apply up to 2500 feet at intersections.

In addition to the support for the proposed zoning that arises from the Land Use Plan and the Task Force's work assignment, there are broader policy arguments that support it. These include promotion of the common good as well as the peace and security of individual property owners otherwise at threat of adjacent or nearby undesirable and unwanted commercial development. Indeed, the Land Use Plan recommends that the BOC "[e]xtend the zoning ordinance to the entire county in order to guide development to appropriate locations [and] provide more certainty for landowners." In his book entitled *Introduction to Zoning*, David Owens of the Institute of Government points to an important purpose of zoning, which is to provide "that one person . . . not use his or her land in a way that will harm neighbors or the community." (p. 4) The proposed zoning under consideration tonight is, of course, much more limited.

As noted, based on its assignment and the policies of the Land Use Plan, the MCOTF recommends that the BOC place these major corridors under residential/agricultural zoning.